

A Regular Meeting of the Town of Avon was held on Thursday, June 10, 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, Councilmen Thomas Mairs, James Blye, Donald Cook

**OTHERS:** Highway Superintendent Robert Ayers, Attorney James Campbell, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello and Town Clerk Sharon Knight (arrived at 6:15 P.M.)

**VISITORS:** Joyce Blowers, Ronald Blowers, Michael Decillis, Shelby Taylor, Brandon Deihl, Michele Vincent, Amber Conway, Justyna Oloheie, Louise Wadsworth, Pat Rountree, Peter Kolokouris, Kathy Hayes, Andrea Campbell, and Casey Edwards.

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

Pledge of Allegiance

Supervisor LeFeber asked for any public comments and Mr. and Mrs. Blowers commented about the speed limit on Lake Road. Highway Superintendent Ayers stated that in order to change a speed limit there must be a study conducted by New York State Department of Transportation first. There were concerns from citizens of the visibility of the road. A petition was presented and the Board requested it be sent to New York State Department of Transportation and to the Livingston County Traffic Board.

#### **RESOLUTION #75 – APPROVAL OF MINUTES**

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

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

RESOLVE to accept the minutes of May 13, 2010 as presented.

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

#### **RESOLUTION #76 – APPROVAL OF MINUTES**

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

**ADOPTED AYES 3 NAYS 0 ABSTAIN 2 (Deputy Supervisor Cole and Councilman Cook)**

RESOLVE to accept the minutes of May 25, 2010 as presented.

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

**RESOLUTION #77-APPROVAL OF MINUTES**

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

ADOPTED AYES 3 NAYS 0 ABSTAIN 2 (Deputy Supervisor Cole and Councilman Cook)

RESOLVE to accept the minutes of May 27, 2010 as presented.

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

**DISCUSSION - HIGHWAY REPORT**

Highway Superintendent Ayers reported that the new truck was in and is at Tenco for preparation work. There are two retirement incentives one for 55 years old and 25 years of service with no penalty and the second would add 36 months additional time if the Town can show a savings due to the retirement. While an employee was mowing, stones were thrown and went into a window of a passing vehicle. The back passenger's side of the window was broken and many other scratches were made on the car. A phone call was placed to the Livingston County Sheriff's Office and to the Highway Superintendent by the driver. The police report was then turned into Landon Insurance and it was denied according to the statute of law that was used. The claim amount is approximately \$1600.00 and the claim will be resubmitted by Attorney James Campbell as he has completed research of case law and written Attorney General positions' that the claim should be paid.

Work will begin on the newly purchased street sweeper this winter.

Three employees will work Dump Days: Jim Kime, Tom Crye and Dick Rumfola.

**DISCUSSION - WATER REPORT**

Water Superintendent McKeown was not in attendance as he was at a school event.

**DISCUSSION ATTORNEY REPORT**

Attorney James Campbell reported on the following:

A meeting was held with Developer Helge Heen and he is willing to sign the Route #39 water easements after the surveyor's description can be reviewed.

The AT&T Lease numbers were accepted by AT&T.

A meeting was held with Ashantee Resident John Liccini regarding discussion on the use of property within the Ashantee subdivision.

There was further discussion on the electrical issues at the Royal Springs Development. A letter was sent to Attorney Henehan by Attorney Campbell and Amber Ryan and Michael Decillis provided specific information about their electrical problems. Supervisor LeFeber phoned Developer Peter Kolokouris and he will be coming down to the meeting for further discussion.

**VISITOR LIVINGSTON COUNTY DIRECTOR FOR THE ALLIANCE FOR BUSINESS GROWTH LOUISE WADSWORTH AND ECONOMIC DIRECTOR PATRICK ROUNTREE**

Livingston County Director for the Alliance for Business Growth Louise Wadsworth and Economic Director Patrick Rountree addressed the Board regarding two items. The first was to show the final Avon brochure. The Board approved to share the printing costs with the Village in the 2010 budget. The second was to discuss the available grants for "Services for Member Villages". The roles and responsibilities and a memorandum of understanding was provided. Other Villages participating are Lima, Geneseo, Mt. Morris, Nunda and Dansville. Supervisor LeFeber will follow up with Mayor Freeman.

After discussion of the request for annexation the Board members appeared to support the idea only if there is a significant proposal.

**DISCUSSION OPEN PUBLIC HEARING LOCAL LAW T-1A-2010 – AMEND THE BOUNDARIES OF A CERTAIN ZONING DISTRICT CURRENTLY KNOWN AS 4859 LAKEVILLE ROAD, TAX MAP #44-1-47.612**

Supervisor LeFeber read the following legal notice to open the public hearing:

TOWN OF AVON  
AMENDED NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW

PLEASE TAKE NOTICE that, for the purpose of adopting a local law to amend the boundaries of a certain zoning district currently known as 4859 Littleville Road, tax map #44-1-47.612, Limited Residential District (LR) within the Town of Avon, Livingston County, New York, changing such certain specified area to Agricultural District (A); and

A public hearing will be held by the Town Board with respect to enactment of the local law, such public hearing to be held on the June 10, 2010 at 7:15 P.M., 23 Genesee Street, Avon, New York, in the Opera Block/Town Hall, Town of Avon.

Copies of the local law described above are on file in the office of the Town Clerk of the Town of Avon, where the same are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed local law at the place and time aforesaid.

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Town Board of the Town of Avon will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed local law described above and, as deemed advisable by said Board, taking action on the enactment of said local law.

DATED: MAY 28, 2010  
PUBLISHED: JUNE 3, 2010  
BY ORDER OF THE TOWN BOARD  
SHARON M. KNIGHT, CMC/RMC  
AVON TOWN CLERK

**DISCUSSION OPEN PUBLIC HEARING LOCAL LAW T-2A-2010**

Supervisor LeFeber read the following legal notice to open the public hearing:

TOWN OF AVON  
NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW

PLEASE TAKE NOTICE that, for the purpose of adopting a local law to provide regulation of the installation, repair, maintenance and inspection of certain electrical wiring, systems and equipment within the Town of Avon. A public hearing will be held by the Town Board with respect to enactment of the local law, such public hearing to be held on the June 10, 2010 at 7:30 P.M., 23 Genesee Street, Avon, New York, in the Opera Block/Town Hall, Town of Avon.

Copies of the local law described above are on file in the office of the Town Clerk of the Town of Avon, where the same are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed local law at the place and time aforesaid.

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Town Board of the Town of Avon will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed local law described above and, as deemed advisable by said Board, taking action on the enactment of said local law.

DATED: MAY 17, 2010  
PUBLISHED: MAY 27, 2010  
BY ORDER OF THE TOWN BOARD  
SHARON M. KNIGHT, CMC/RMC  
AVON TOWN CLERK

**RESOLUTION #78 LOCAL LAW T-1A-2010 – SHORT FORM SEQR**

On motion of Councilman Blye, seconded by Councilman Cook the following resolution was ADOPTED AYES 5 NAYS 0

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

**RESOLUTION #79 NEGATIVE DECLARATION LOCAL LAW T-1A-2010**

On motion of Councilman Blye, seconded by Councilman Cook the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE based on the information and analysis and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts.

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

**RESOLUTION #80 CLOSE PUBLIC HEARING LOCAL LAW T-1A-2010**

On motion of Councilman Cook, seconded by Councilman Blye the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to close the Public Hearing on Local Law T-1A-2010.

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

**RESOLUTION #81 ADOPT LOCAL LAW 1-2010 TO AMEND THE BOUNDARIES OF THE LIMITED RESIDENTIAL DISTRICT AND EXTEND THE BOUNDARIES OF THE AGRICULTURAL ZONING DISTRICT OF THE TOWN OF AVON, LIVINGSTON COUNTY, NEW YORK.**

**TOWN OF AVON  
RESOLUTION TO ENACT LOCAL LAW NO. 1-2010**

On motion of Councilman Cook, seconded by Deputy Supervisor Cole the following resolution was ADOPTED by a roll call vote AYES 5 NAYS 0

WHEREAS a public hearing was held the 10<sup>th</sup> day of June 2010, by the Town Board of the Town of Avon, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York;

WHEREAS at said public hearing the Town Board considered the enactment of proposed Local Law No. T-1A-2010, the boundaries of a certain zoning district currently known as 4859 Littleville Road, tax map #44-1-47.612 Limited Residential District (LR) within the Town of Avon, Livingston County, New York, changing such certain specified area to Agricultural District (A)

WHEREAS all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

**RESOLUTION #81 ADOPT LOCAL LAW 1-2010 TO AMEND THE BOUNDARIES OF THE LIMITED RESIDENTIAL DISTRICT AND EXTEND THE BOUNDARIES OF THE AGRICULTURAL ZONING DISTRICT OF THE TOWN OF AVON, LIVINGSTON COUNTY, NEW YORK. (continued)**

WHEREAS, this action is considered a Type II Action under SEQR and subject to a coordinated review; and

WHEREAS, such review took place and a negative declaration was made; now be it therefore

RESOLVED, that Local Law No. 1-2010 be enacted as follows:

**SECTION 1. TITLE AND SCOPE**

This local law shall be known as "A LOCAL LAW TO AMEND THE BOUNDARIES OF THE LIMITED RESIDENTIAL DISTRICT AND EXTEND THE BOUNDARIES OF THE AGRICULTURAL ZONING DISTRICT OF THE TOWN OF AVON, LIVINGSTON COUNTY, NEW YORK."

**SECTION 2. PURPOSE:**

The purpose of this local law is to modify the boundaries of a certain zoning district currently known as Limited Residential District within the Town, changing such certain specified area to Agricultural District.

**SECTION 3. LOCATION OF MODIFIED ZONING DESIGNATION.**

The existing Limited Residential District located along the north side of Littleville Road, in the Town of Avon, New York, east of the property owned by the L.A. & L. Railroad and encompassing in its entirety an approximately 12.60 +/- acre parcel known as Tax Identifier Map Parcel Number 44-1-47.612, shall be reclassified to Agricultural District (A), and the official Zoning Map of the Town of Avon shall be amended to reflect such reclassification (although not contemporaneously with the adoption of this Local Law).

**SECTION 4. EFFECTIVE DATE:** This Local Law shall take effect upon its filing with the Secretary of State of the State of New York.

RESOLVED that a copy of this resolution be forwarded to General Code Publishers, the Town of Avon Building and Zoning Department, the Attorney for the Town of Avon and the Secretary of State; and further

RESOLVED that notice of adoption of this local law shall be duly published in the Official newspaper (Livingston County News) and on the Town's web site.

**RESOLUTION #81 ADOPT LOCAL LAW 1-2010 TO AMEND THE BOUNDARIES OF THE LIMITED RESIDENTIAL DISTRICT AND EXTEND THE BOUNDARIES OF THE AGRICULTURAL ZONING DISTRICT OF THE TOWN OF AVON, LIVINGSTON COUNTY, NEW YORK. (continued)**

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

**RESOLUTION #82 CLOSE PUBLIC HEARING LOCAL LAW T-2A-2010**

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

RESOLVE to close the Public Hearing on Local Law T-2A-2010.

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

**RESOLUTION #83 TO ENACT LOCAL LAW 2-2010 ENTITLED REGULATION OF THE INSTALLATION, REPAIR, MAINTENANCE AND INSPECTION OF CERTAIN ELECTRICAL WIRING, SYSTEMS AND EQUIPMENT WITHIN THE TOWN OF AVON**

On motion of Deputy Supervisor Cole, seconded by Councilman Cook the following resolution was  
ADOPTED AYES 5 NAYS 0

WHEREAS a public hearing was held the 10th day of June 2010, by the Town Board of the Town of Avon, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York;

WHEREAS at said public hearing the Town Board considered the enactment of proposed Local Law No. T-2A-2010, entitled regulation of the installation, repair, maintenance and inspection of certain electrical wiring, systems and equipment within the Town of Avon;

WHEREAS all interested persons were given an opportunity to be heard with respect to the enactment of said local law;  
and

WHEREAS, this action does not require a SEQR review; and

WHEREAS, the following involved and interested agencies have been informed: (list all); and now be it therefore

RESOLVED, that Local Law No. 2-2010 be enacted as follows:

**RESOLUTION #83 TO ENACT LOCAL LAW 2-2010 ENTITLED REGULATION OF THE INSTALLATION, REPAIR, MAINTENANCE AND INSPECTION OF CERTAIN ELECTRICAL WIRING, SYSTEMS AND EQUIPMENT WITHIN THE TOWN OF AVON (continued)**

SECTION 1. PURPOSE: The Town of Avon, by enactment of Local Law No. 2 of the year 2010, has provided for enforcement of the New York State Uniform Fire Prevention and Building Code, and recognizing that said Code in Part VIII chapter 33-42 (residential portion of Code), Chapter 26 (commercial portion of Code) and Chapter 6, section 605 (fire prevention portion of Code) provides minimum parameters for the design, installation, and location of electrical wiring, systems and equipment operating on 50 volts or more, wishes to more fully implement the aforesaid provisions and facilitate enforcement of same.

SECTION 2. NATIONAL ELECTRICAL CODE: All electrical installations detailed above, and all others regulated by the New York State Uniform Fire Prevention and Building Code, shall be made in conformity with the requirements of the National Electrical Code and to the requirements of National Grid's Specifications for Electrical Installations, Bulletin No. 750, except when the provisions of this Section or any other Local Law, Ordinance or Building Code of the Town provide otherwise, in which event compliance with the provisions of such Local Law, Ordinance or Building Code shall be recognized as proper compliance with this Section. The requirements of the National Electrical Code shall be those known as National Fire Protection Association pamphlet #70, as approved and adopted by the American Standards Association.

SECTION 3. ELECTRICAL INSPECTION: The Code Enforcement Officer of the Town of Avon, shall be, and is hereby authorized to appoint and deputize as agents of the Town of Avon, for the purpose of making inspections and re-inspections at reasonable times and places and upon reasonable notice, of all electrical installations regulated and covered by the New York State Uniform Fire Prevention and Building Code and/or National Grid's Specifications for Electrical Installations, Bulletin No. 750, and to approve or disapprove the said installations, such persons, agencies or organizations as, in the opinion and discretion of the Code Enforcement Officer shall be qualified to conduct the same. In no event shall the cost of such inspections or re-inspections be a charge against the Town of Avon.

It shall be the duty of such person, organization or agency duly appointed and deputized as provided in this Section to report in writing to the Code Enforcement Officer of the Town of Avon, all violations of or deviations from the provisions of the National Electrical Code and/or National Grid's Specifications for Electrical Installations, Bulletin No. 750, and of all Local Laws and the Building Code insofar as any of the same shall apply to electrical wiring, systems and equipment covered by this Section. Such deputized inspector shall make inspections and re-inspections of electrical installations in and on properties in the Town of Avon upon the written request of the Town of Avon Code Enforcement Officer.

**RESOLUTION #83 TO ENACT LOCAL LAW 2-2010 ENTITLED REGULATION OF THE INSTALLATION, REPAIR, MAINTENANCE AND INSPECTION OF CERTAIN ELECTRICAL WIRING, SYSTEMS AND EQUIPMENT WITHIN THE TOWN OF AVON (continued)**

It shall be the duty of such appointed and deputized electrical inspector to issue a certificate of compliance only when electrical installations and equipment are found to be in conformity with the provisions of the National Electrical Code, National Grid's Specifications for Electrical Installations, Bulletin No. 750 and this Section. Said inspector shall direct that a copy of the certificate of compliance or the official denial thereof to the Code Enforcement Officer of the Town of Avon. In the case of a denial, the inspector shall detail specific deficiencies and appropriate remediation, if any.

Any persons, agencies, businesses or organizations wishing to conduct electrical inspections within the Town of Avon must first be approved by the Code Enforcement Officer of the Town of Avon and deputized according to the provisions herein. It shall be unlawful for any persons, agencies, businesses or organizations to inspect any electrical improvements or repairs contemplated herein, without first complying with the requirement to become an approved and deputized inspector.

No persons, agencies, businesses or organizations shall be approved by the Code Enforcement Officer to conduct electrical inspections without entering into a formal written agreement with the Town of Avon (which may be adopted and subsequently modified from time to time by the Town Board of the Town of Avon), which shall set forth the respective rights and responsibilities of the parties, including representations of qualifications, insurance and indemnification provisions.

**SECTION 4. VIOLATIONS AND PENALTY:** Any installation or alteration of an electrical system or electrical wiring that is covered and regulated by the provisions of the New York State Uniform Fire Prevention and Building Code, the National Electrical Code, National Grid's Specifications for Electrical Installations, Bulletin No. 750, or a Local Law of the Town of Avon without the issuance of a certificate of compliance as hereinabove provided shall be a violation of this Section. Any person, firm, or corporation who shall violate the provisions of this Section with regard to electrical system or electrical wiring installation, modification or repair shall be subject to all penalties and remedies provided by Article 18 of the Executive Law of the State of New York as the same pertains to violations of the New York Uniform Fire Prevention and Building Code.

Any inspection of an electrical system or electrical wiring that is performed not in full accordance with this section shall be deemed a violation of this section. Any person, firm, or corporation who shall violate the provisions of this Section with regard to inspections shall be subject to penalties and remedies as set forth in Article I, section 1-3 of the Avon Town Code.

**RESOLUTION #83 TO ENACT LOCAL LAW 2-2010 ENTITLED REGULATION OF THE INSTALLATION, REPAIR, MAINTENANCE AND INSPECTION OF CERTAIN ELECTRICAL WIRING, SYSTEMS AND EQUIPMENT WITHIN THE TOWN OF AVON (continued)**

SECTION 5. LOCAL LAW NOT APPLICABLE IN CERTAIN CASES: The provisions of this Section shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment, or the installations or equipment employed by railway, electrical or communications utilities in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose. This Section shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm, or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States of America or the State of New York.

SECTION 6. NO WAIVER OR ASSUMPTION OF LIABILITY: This Section shall not be construed to relieve from or lessen the liability of any person owning, operating, controlling or installing any electrical wiring, devices, appliances, or equipment for loss of life, injury, casualty or damage to person or property caused by any defect therein, nor shall the Town of Avon, its Code Enforcement Officer, or the deputized electrical inspector be deemed to have assumed any such liability by reason of any inspection made pursuant to this Section.

SECTION 7. SEPARABILITY CLAUSE: If any part of provision of this Section or application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Section or the application thereof to other persons or circumstances.

SECTION 8. EFFECTIVE DATE: This Local Law shall take affect upon its filing with the Secretary of State of the State of New York.

RESOLVED that a copy of this resolution be forwarded to General Code Publishers, the Town of Avon Building and Zoning Department, the Attorney for the Town of Avon and the Secretary of State; and further

RESOLVED that notice of adoption of this local law shall be duly published in the Official newspaper (Livingston County News) and on the Town's web site.

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

**DISCUSSION – RESIDENT JOSEPH TUCHRELLO REQUEST FOR REMOVAL OF TREES**

Supervisor LeFeber stated he received a request from Resident Joseph Tuchrello for help with the removal of trees. The Board determined that due to the trees being on a private property no assistance will be provided. Although the request was to answer in letter form no letter will be prepared.

**DISCUSSION – EXTENSION TO THE ROUTE #39 WATER DISTRICT EXTENSION**

Attorney James Campbell continues to work on the water costs associated on a piece of property that is landlocked as well as three separate properties that have one owner.

**ENGINEER REPORT**

Town Engineer Tim Rock reported that Rural Development awarded the contract and the BONDS will be put together and mailed in the near future.

**CODE ENFORCEMENT REPORT**

Code Enforcement Officer Cappello requested that due to the fire of the resident Chris Crye, the cost of the demolition permit be waived. The Board appeared to support.

**DISCUSSION – ROYAL SPRINGS DEVELOPMENT ELECTRIC ISSUES**

Supervisor LeFeber welcomed Royal Springs Developer Peter Kolokouris to the meeting thanking him for his attendance to address the requests for services for residents in the development. Royal Springs Developer Peter Kolokouris apologized to the Board and the Residents for the electrician's performance and he stated that the electrical items will be addressed with no fuss. Specific issues were discussed and all appeared to agree Developer Peter Kolokouris would coordinate the following:

Inspections will be completed by Atlantic Inland of the last five houses.  
If acceptable of the residents AAA Electric will perform identified work  
Final inspections will be completed by Common Wealth

The names and addresses were given to the Developer.

**OPERA BLOCK REPORT**

Deputy Supervisor Cole updated the Board on the following:

The fire alarm went off on Saturday and the alarm is in the process of being fixed.  
Door sensors in the court and bank need attention

**OPERA BLOCK REPORT(continued)**

Forty-eight court chairs were received and 25 were put together. The remaining will be put together on Sunday by Deputy Supervisor Cole, Councilmen Blye and Cook.

There was discussion on additional blinds being needed.

A technical support agreement with Pasco Building Automation Systems was presented dated June 8, 2010 with an annual amount of \$2,180. The Board appeared to be in favor of the agreement that follows:



## TECHNICAL SUPPORT AGREEMENT

Agreement Number:

Date: 6/8/10

By and Between:  
PASCO & Avon Opera House

Address: 23 & 27 Genesee St  
Avon, NY 14414  
Attn: Kelly Cole

This proposal is firm for thirty (60) days and shall include the Terms and Conditions and Schedules attached herein:

- Schedule A – Type of Service Plan
- Schedule B – List of Serviced Equipment – See attached Sheet
- Schedule D – Miscellaneous Conditions
- Schedule E – Charges, Rates and Pricing Terms

**Scope of Services:**

**Frequency** test and inspection, maintenance & technical support (as listed under HVAC Equipment Services) located at:

Address: 23 & 27 Genesee St Avon, NY 14414

**Term:**

This agreement shall commence upon the approval of this document and shall continue for a term of **one (1) year(s)** specifically between **09/01/2010** and **08/31/11**. A three (3) year extension is available granting contract coverage time between **09/01/2011** and **08/31/14** at today's pricing.

Please check box if requesting a three (3) year extension.

**Charges:**

This agreement shall be billed in advance **Quarterly** (as detailed in Schedule E) and is due upon Client's receipt of invoice. **The annual charge is: \$2,180.00**

PASCO Building Automation Systems

Submitted By:

Bill Gauthier

Name

 6/8/10

Signature

Date

Owner

Title

CLIENT

Approved By:

Name

Signature

Date

Title

# TERMS AND CONDITIONS

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## 1.0 General Provisions:

- 1.1 Unless stated otherwise, the services provided under this agreement shall be provided during PASCO's normal business hours. Normal business hours are Monday through Friday, 8:00 A.M. to 5:00 P.M. inclusive, excluding holidays.
- 1.2 The Client shall provide reasonable means of access to the equipment being serviced. PASCO shall not be responsible for any removal, replacement, or refinishing of the building structure, if required to gain access to the equipment. PASCO shall be permitted to start and stop all equipment necessary to perform the services herein described as arranged with the Client's representative.
- 1.3 This agreement, when accepted in writing by the Client and approved by an authorized PASCO representative, shall constitute the entire agreement between the two (2) parties.

## 2.0 Charges:

- 2.1 For services not covered by this agreement, but performed by PASCO upon the Client's authorization, the Client agrees to pay PASCO upon presentation of itemized invoice(s) at the rates detailed in Schedule E of this agreement.
- 2.2 If emergency service is requested by the Client and inspection does not reveal any defect for which PASCO is liable under this agreement, the Client will be charged at the rates detailed in Schedule E of this agreement.
- 2.3 Unless otherwise specified, this agreement will commence on the date indicated for the term of **one (1) year(s)** and shall continue from year to year until terminated. Either party may terminate this agreement by giving written notice to the other no later than thirty (30) days prior to the anniversary date. The agreement price may be adjusted on its anniversary date based on prevailing labor and material costs.

## 3.0 Limitations of Liability:

- 3.1 PASCO shall not be liable for any loss, delay, injury, or damage that may be caused by circumstances beyond its control including, but not restricted to: acts of God, war, civil commotion, acts of government, fire, theft, corrosion, floods, lightning strikes, freezes, strikes, lockouts, differences with workmen, riots, explosions, quarantine restrictions, delays in transportation, shortage of vehicles, fuel, labor or materials, or malicious mischief. **IN NO EVENT SHALL PASCO BE LIABLE FOR BUSINESS INTERRUPTION, LOSSES, OR CONSEQUENTIAL OR SPECULATIVE DAMAGES.**
- 3.2 PASCO shall not be required to make safety tests, install new devices, or make modifications to any equipment to comply with recommendations or directives of insurance companies, governmental bodies, or for other reasons not specifically detailed in this agreement.
- 3.3 PASCO shall not be required to make replacements or repairs necessitated by reason of negligence, abuse, misuse, or by reason of any other cause beyond its control except ordinary wear and tear in cases where PASCO has a Full Maintenance Contract or Parts Included Contract.
- 3.4 The agreement pre-supposes that all equipment is in satisfactory working order. PASCO will inspect the equipment within thirty (30) days of when the agreement takes effect and will advise the Client of any equipment found to be in need of repair. PASCO will provide the Client with a written estimate of the cost of repairs. If the Client does not authorize PASCO to make the repairs or if the Client does not have the work performed, the equipment will be eliminated from coverage and the agreement price will be adjusted. There may be some equipment which, for reasons beyond PASCO's control, cannot be inspected before this agreement takes effect. PASCO will inspect such equipment on the first available visit.
- 3.5 The amount of any present or future sales, use, occupancy excise, or other tax (federal, state, or local) which PASCO hereafter shall be obligated to pay, either on its own behalf or on the behalf of the Client or otherwise, with respect to the services and material covered by this agreement, shall be paid by the Client.
- 3.6 If the equipment or software included under this agreement is altered, modified, or changed by a party other than PASCO, this agreement shall be modified to incorporate such changes and the agreement price shall be adjusted accordingly.
- 3.7 It is understood that the provisions of this agreement apply only to the systems and equipment covered herein. Repair or replacement of non-maintainable parts of the system such as ductwork, boiler shell and tubes, unit cabinets, boiler re-factory material, electrical wiring, hydronic and pneumatic piping, structural supports, etc., is not included under the agreement.
- 3.8 Following twelve (12) months of service or any time thereafter, if individual item(s) cannot, in PASCO's opinion, be properly repaired on-site because of excessive wear or deterioration, PASCO, Inc. may withdraw the item(s) from coverage upon ninety (90) days prior written notice.
- 3.9 This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of New York.

## TYPE OF SERVICE PLAN

### Mechanical System Service

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#### Primary Services:

- System and Service Review.** PASCO will hold an **annual** formal review with your staff to discuss the services performed during the past year and to recommend improvements and options to enhance system performance, resolve operational problems, and to meet your changing needs and objectives.
- Scheduled Maintenance.** Maintenance shall be performed per the attached Schedule B to optimize the system effectiveness. Scheduled maintenance visits will occur **Two (2)** time(s) per year.
- Software Maintenance.** PASCO will furnish and install manufacturer's software revisions to maintain or improve present performance within the functional capabilities of your system. Updates within the current software version will be installed at no charge to the customer. New software products shall be available for sale.
- Database Protection.** PASCO will protect your database by periodically saving this information and maintaining a copy on our premises. Database backups will be performed **Zero (0)** time(s) per year.
- Telephone Support.** Technical experts will assist you, via the telephone, to identify and resolve operational problems.
- System and Service Log.** PASCO will provide a log for you to document concerns, system problems, and other related items requiring our attention. Each scheduled service visit shall begin with a review of this log.
- Documentation.** All scheduled and unscheduled service visits will be documented by a work order form, listing materials used and hours spent. All work orders will be signed by an authorized Client representative to verify all work completed. For your staff's convenience, copies of all work orders and our service agreement scope will be kept in your System and Service Log.
- Operator Training.** PASCO will provide training as needed with on-site annual operator(s) training during standard contract hours.

#### Premium Services:

- Component Repair and Replacement.** PASCO will repair or replace failed components with new or reconditioned components of compatible design to minimize obsolescence and maintain system integrity at no additional charge. Exchanged parts shall become the property of PASCO, Inc. See Schedule D for special conditions.
- Business Day Service.** Service repair calls covered by this agreement shall be made five (5) days a week, during normal business hours at no additional charge. Business Day Service shall not exceed **zero (0)** hours per year. See Schedule D for special conditions.
- Premium Time Emergency Service.** Emergency repair calls covered by this agreement shall be made seven (7) days a week, twenty-four (24) hours a day at no additional charge. Total Premium Time Emergency Service shall not exceed **zero (0)** hours per year. See Schedule D for special conditions.
- Telephone Support.** The Client shall have access to telephone support during normal business hours as well as non-business hours using PASCO's main number (315) 488-0262 at no additional charge. Total Telephone Support shall not exceed **Four (4)** hours per year. See Schedule D for special conditions.
- On-Line Service.** PASCO will provide you with on-line assistance to troubleshoot your system and resolve operational problems. Total On-Line Service shall not exceed **zero (0)** hours per year. See Schedule D for special conditions.

## **LIST OF SERVICED EQUIPMENT**

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- 7 – McQuay Heat Pumps
- 7 – Florida Heat Pumps
- 1 – Renew Aire HRU
- 3 – Renew Aire MUA
- 2 – Loop Pumps

## **MISCELLANEOUS CONDITIONS**

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### **Special Conditions:**

The Client shall have access to telephone support during normal business hours as well as non-business hours using PASCO's main number (585) 924-9360 at no additional charge. Telephone support covered by this agreement shall not exceed **Four (4)** hours per year.

## **HVAC Equipment Service**

Service visits will consist of **One(1) guy for (1 ½ ) Eight (8) hour days** during each of the following month(s):

**April 2011, October 2010**

### **General (for all equipment)**

- **Confirm operational conditions.**
- **Confirm operation of safeties.**
- **Review alarm history.**
- **Optimize equipment efficiency**

### **Loop Pumps:**

- **Check operational conditions and oil as necessary.**
- **Check bearings and impellers**

### **Fan Coil Units/Cabinet Unit Heaters/UH:**

- **Clean coils.**
- **Check discharge air**
- **Check water flow**
- **Replace filters – provided by customer**
- **Check Thermostats for proper operation**

### **Water Source Heat Pumps:**

- **Check all connections**
- **Check refrigerant pressures**
- **Check all sensors**
- **Check discharge air**
- **Check condensate levels**
- **Check fan motor**
- **Check filter and replace**

### **Roof Top/Air Handling Units/MUA/ERV:**

- **Check fan rotation**
- **Check belt tension & replace as necessary**
- **Check electric connections**
- **Check economizer mode**
- **Make sure coil is clean**
- **replace filters – provided by customer**

**Note:** Belts and filters will be supplied by PASCO. We will replace during each PM. Filters may need to be replaced more often depending on the usage of the space.

## CHARGES, RATES AND PRICING TERMS

**Charges:** Four (4) quarterly installments in the amount of: \$545.00 (Five Hundred Forty Five Dollar) for a total of \$2180.

\*Excluding Taxes

**Rates:**

The following list contains the Customer Preferred labor rates that shall be used for services, provided by PASCO, that are requested by the Client for services not included in this agreement:

**PASCO Standard Mechanical Service Rate (Non-Service Contract Holder Rate)**

- Technician (M-F 8:00 A.M. to 5:00 P.M.), \$85.00 per hour
- Technician (M-F After 5:00 P.M. Saturday & Sunday), \$127.50 per hour
- Technician (Holidays), \$170.00 per hour

**PASCO Contract Holder Mechanical Service Rate**

- Technician (M-F 8:00 A.M. to 5:00 P.M.), \$75.00 per hour
- Technician (M-F After 5:00 P.M. Saturday & Sunday), \$112.50 per hour
- Technician (Holidays), \$150.00 per hour

**Pricing:**

Additional parts and materials, requested by the Client, shall be available to the Client at a discount.

**RESOLUTION #84 PAYMENT OF BILLS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2009-11 in the follow amounts:

**Concerning ABSTRACT of Claims Number 2010-11 including claims as follows:**

General Fund	Voucher #271 through # 305 in amounts totaling \$ 24,701.71
Highway Fund	Voucher #137 through #147 in amounts totaling \$5,699.15
Water Fund	Voucher #93 through #101 in amounts totaling \$ 2,405.25
Cemetery Fund	Voucher #3 through #3 in amounts totaling \$ 240.00
Opera Block Capital Improvement	Voucher #20 through #20 in amounts totaling \$ 25.04
Royal Springs Lighting	Voucher #6 through #6 in amounts totaling \$942.36
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 – Aye, Councilman Cook – Aye, Deputy Supervisor Cole – Aye, Supervisor LeFeber – Aye**

**RESOLUTION #85 SUPERVISOR'S AND TOWN CLERK'S MONTHLY REPORTS**

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

RESOLVE to accept the Supervisor's Report and the Town Clerk's monthly budget reports as follows:

<u>Total Local Shares Remitted:</u>	<u>\$2,781.94</u>
<u>County Treasurer for Dog Licenses</u>	<u>\$30.55</u>
<u>New York State Department of Health</u>	<u>\$67.50</u>
<u>NYS Ag. &amp; Markets for spay/neuter program</u>	<u>\$9.00</u>
<u>NYS Environmental Conservation</u>	<u>\$417.60</u>
<u>TOTAL</u>	<u>\$3,3069.59</u>

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

**RESOLUTION #86 JUSTICE COURT AUDIT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that an audit was performed by Councilman Cook with no negative findings and meets audit expectations.

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

**DISCUSSION – STANDARD WORK DAY & CALENDARS**

Supervisor LeFeber stated that a resolution for the Town of Avon standard work day was adopted in 2007; however, it did not include the Assessor. Highway Superintendent Ayers stated he recently learned that Tier 1 Members are exempt from this new requirement. Three month calendars were submitted to the Town Clerk from Highway Superintendent Ayers, Water Superintendent McKeown, Assessor Snyder, Supervisor LeFeber, Justice Torregiano and a one month calendar from the Town Clerk. The calendars were reviewed by the Board. The new regulations were discussion and include newly elected official and appointed employees that are members of the New York State Retirement System are required to keep a log for three months that contain hours worked and details of the type of work performed. When new terms begin other elected officials and appointed employees must keep a calendar for three months. After eight years new calendars will need to be kept. There was discussion on posting and Town Clerk Knight stated that social security numbers and New York State retirement numbers would be removed from the posting as this is not foible information. There was discussion on those that keep time sheets and those that do not keep time sheets. Supervisor LeFeber presented the following graph of information, the Town Clerk's thirty day calendar was reviewed, social security numbers and registration numbers would be solicited from the Supervisor's Secretary to be used by the Town Clerk to complete the previously provided sample resolution in accordance with the new standard work day and reporting resolution.

Employee	Total Hours	Div. By 3	Div. By St. Day
Dave LeFeber	206.75	68.91	11.48
Kelly Cole			
Dan McKeown	526	175.33	21.91
Bob Ayers	917	305.66	38.2
Tami Snyder	523	174.33	29.05
Sharon Knight			
Mike Torregiano	30.25	10.08	5.04

Supervisor LeFeber stated that a new resolution is needed to include the Assessor and the following was adopted.

**RESOLUTION #87 ADOPTING STANDARD WORK HOURS FOR RETIREMENT REPORTING**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the following be set as standard work hours for the positions listed for the purpose of reporting to the NYS Employee Retirement System.

<b>AVON</b>	
<b>Position:</b>	<b>Standard Hours</b>
Assessor	6
Personal	6
Supervisor Secretary	6
Clerk Part Time	8
MEO.	8
Clerk to the Town Justice	6
Highway Superintendent	8
Code Enforcement	6
Town Clerk	8
Water Superintendent	8
Historian	6
Supervisor	6
Town Justice	6
Laborer Part Time	6
Councilman	6

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

**RESOLUTION #88 STANDARD WORK DAY AND REPORTING RESOLUTION**

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

ADOPTED AYES 5 NAYS 0

**Standard Work Day and Reporting Resolution**

BE IT RESOLVED, that the Town of Avon hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

**RESOLUTION #88 STANDARD WORK DAY AND REPORTING RESOLUTION**  
**(continued)**

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
<b>Elected Officials</b>					
Supervisor	David LeFeber	6	2010/2013	N	11.48
Highway Superintendent	Robert Ayers	8	2008/2011	N	38.2
Town Justice	Michael Torregiano	6	2008/2011	N	5.04
Town Clerk	Sharon Knight	8	2008/2011	N	19.78
Town Councilman	Kelly Cole	6	2008/2011	N	n/a
<b>Appointed Officials</b>					
Water Superintendent	Daniel McKeown	8	2009/2010	Y	21.91
Assessor	Tamara Snyder	6	10-2007/ 10-2013	Y	29.05

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

**DISCUSSION – NEW YORK STATE GAS & ELECTRIC**

Supervisor LeFeber reported Blue Rock Energy is our new supplier saving on electric costs.

**RESOLUTION #89 APPROVAL TO DESTROY RECORDS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to destroy the following records:

Town of Avon  
Index of Destroyed Records

**RESOLUTION #89 APPROVAL TO DESTROY RECORDS(continued)**

In accordance with the current SARA MU-1 Records Retention & Disposition Schedule, the following records have been determined to be obsolete and are to be destroyed:

Record Series Name or Description Obsolete	MU-1 Section	Inclusive Dates	Cubic Feet Destroyed	Date Record
Taxation & Assessment	4 [584]	1997 - 2002	1.43 cubic feet	2005

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

**DISCUSSION – OPEN ITEMS**

Councilman Cook reported there is a need to add one additional Full-time Counselor as there are 225 students signed up for summer recreation. The Board appeared to support the addition.

Councilman Blye reported of a Planning Board Meeting he attended and acknowledged the amount of work being performed by Planning Board Member Thomas McGovern.

Town Clerk Knight requested the Board approve the expenditure of printing "New Resident Brochures" and the request was approved. Supervisor LeFeber suggested calling ARC for a pricing.

**RESOLUTION #90 ENTER EXECUTIVE SESSION**

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

RESOLVE to enter into executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. TIME 9:40 P.M., inviting Attorney James Campbell.

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

**RESOLUTION #91 CLOSE EXECUTIVE SESSION**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 10:13 P.M.

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

On motion of Councilman Mairs, seconded by Councilman Cook, the meeting adjourned at 10:13 P.M.

Respectfully submitted by,

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

And

\_\_\_\_\_  
James Blye Sr., Councilman