

A Regular Meeting of the Town of Avon was held on Thursday, March 11, 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: Judy Falzoi, Hurricane Technologies Inc. Representatives Tom Vonglis and Shawn Petti

Supervisor LeFeber called the meeting to order at 6:02 P.M.

Pledge of Allegiance

Supervisor LeFeber welcomed Hurricane Technologies Representatives Mr. Vonglis and Mr. Petti. They addressed the Board with the following recommendations:

2010

Town of Avon

Shawn Petti

RECEIVED

MAR 11 2010

JOHN J. BURNETT
TOWN CLERK / TAX COLLECTOR

[IT UPDATE]

This document provides an update on the current status and recommendations for the Town of Avon's IT infrastructure.

Executive Summary

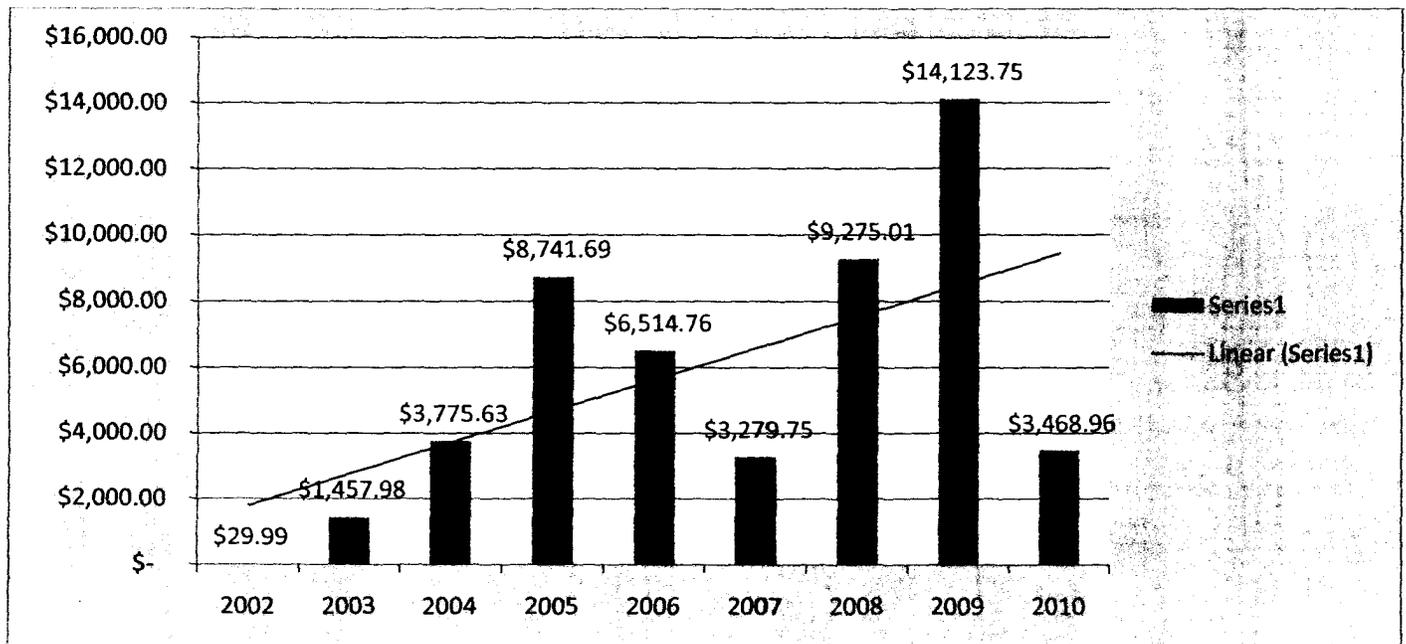
Hurricane Technologies has been providing services to the Town of Avon since 2003. Over that period of time there have been many changes and upgrades that have taken place.

A total of \$50,667 has been paid to Hurricane Technologies over this period of time of which \$29,060 has been for support and the remainder for hardware purchases. This averages out to approximately \$7250/year.

In June of 2005 the HP Proliant server was installed to provide a domain environment with a central location for all data storage.

With the move to the new Opera Block location all network cabling infrastructure is new and up to date. A new patch panel, server rack and switch were installed at the time of the move. We also installed a rackmount UPS (APC) to better protect the server against any power issues.

It is our goal to outline the current status of the Town's infrastructure and provide options for improvement.



Current Status

HP Proliant Server

The current server is still very viable and working well. The data drive has 72 GB of free space out of a possible 110 GB. Current programs dependent on this server are Domain Services, File Server, Print Server, Antivirus Server, Backup Services, BAS, Court Program, Laserfiche, and Tax Program.

Data backup is done to an external hard drive. No offsite backup is provided at this time.

Workstations

The Town of Avon currently has the following computer on hand:

Department	Desktops	Laptops
Assessor	3	
Code	2	
Court	2	2
Clerk	4	2
Utilities	1	
Water	2	1
Highway	1	
Total	15	5

Firewall/Router

Frontier DSL modem/router which provides minimal security for the network.

There are two (2) wireless access points installed that provide wireless connectivity throughout the building.

Printers

There are many printers throughout the town hall.

The main copier printer is the Xerox Workcenter

There is also a Xerox Phasor that provides color laser printing.

Each department also has their own individual printers.

Recommendations

HP Proliant Server - this should be good for at least a few more years.

Data Backup – recommendation for offsite backup. Monthly cost would be \$47.00

Workstations – recommend replacement of 20% of desktop PC's each year, this will insure no computer will be more than 5 years old.

Antivirus Protection – To better protect your network we recommend moving to ESET NOD32 Business Antivirus. There is a good government rate for this software. This will replace Symantec Antivirus. Symantec Antivirus support subscription is expired. This means the software is performing definition updates, but you are not able to get new versions of the software.

Firewall/Router – recommend installation of SonicWALL TZ210 including the reporting feature for internet security and tracking.

Printing – recommend upgrade of the Xerox Workcentre to include scan to email functionality or at the very least scan to file so that documents can be attached and emailed. Possibly look at consolidation or printing services.

Email – move all email addresses away from frontiernet.net to avon-ny.org as published on your website.

Website – update email address for other town employees.

Support – We are recommending a proactive approach to support for all the customers we work with. Our recommendation is to schedule regular visits to insure that all systems are up to date with regard to security updates, virus definitions, and address any other issues that may arise. We are also always available as problems come up outside the norm.

Conclusion

Hurricane Technologies appreciates the relationship we have with the Town of Avon and want to make sure that all needs are met now and in the future. As security becomes a bigger issue it is our goal to work with the Town to address any and all areas that can be improved on.

The Board expressed a thank you of appreciation for the service provided by Hurricane Technologies, Inc.

Many departments have the ability to use PDF file, thus reducing the need to both scan and fax.

A replacement plan was recommended to have all computers updated every five years using the asset list. Although there is not money available for the purchase of computers in the budget, there is a high amount in the budget for contracted services.

DISCUSSION – VISITOR JUDY FALZOI

Supervisor LeFeber asked for any public comments and Judy Falzoi addressed the Board on the following:

1. Two letters were sent to Peter and she did not receive a reply and the second was sent certified and she still did not get a reply. Copies of the letters were provided to the Town Clerk.
2. She is interested to read the notes of the Town Board meetings regarding the Royal Springs Development. The Board has the authority to have a perfect ideal community in a PUD zoning. Judy commented on the road and its use as a park and ride. She commented on the super job of the snow removal. She stated there is a safety issue as there is only one way out of the development. Also there is the concern of the road holding up to the many construction vehicles.

Supervisor LeFeber thanked Judy for sharing her concerns and that the Board is following up on those same concerns.

The following letter was read for the minutes:

1739 Athena Drive
Avon, NY 14414
March 11, 2010

RECEIVED

MAR 11 2010

TOWN CLERK

Dear Town of Avon Board Members:

I want the Town of Avon to require disclosure of farm practices to buyers of real property located within subdivisions/PUDS located within the Town of Avon.

- 1. NYS Dept. of Agriculture and Markets District Law - Article 25-AA Section 310**
- 2. Specific to Avon, checklist of possible farming practices in addition to the disclosure checklist required by NYS in which the seller must disclose situations not apparent to the buyer but known by the seller.**

1. The State of NY already requires anyone buying or selling real property located within an agricultural district to sign a disclosure notice regarding the use and protection of farm land. This disclosure urges buyers to contact the NYS Dept of Agriculture for information and clarification regarding rights and obligations under article 25-AA of the Agriculture and Markets Law. This is law for buyers of homes on agriculture land and requires the lots to be at least three acres in size. The size of the lot affords some protection from farm practices that could affect the enjoyment of a home. This law was established to prevent "nuisance" complaints against farmers. It is signed by both seller and buyer and recorded on a property transfer report.

2. In addition, the Town of Avon should include information about the Right to Farm Law and how it severely limits the rights of home owners who experience problems due to farming practices. Along with the NYS real estate disclosure form, Avon should require the seller to disclose situations specific to living in close proximity to agriculture lands. (Noise, odors, dust, lights, animals, farm machinery...) This should be a checklist with all known farm practices identified specific to Avon (yes-no). This should be dated since farm practices change.

WHY? I live in Royal Springs, a subdivision/PUD within the Town of Avon. This residential area is located on agricultural land protected by the Right to Farm Laws. My sales contract lists Royal Springs as residential. It is. However, the PUD is surrounded by farmland. Since the lots are very small, the area is being densely developed and will generate a sustainable flow of tax revenue for this small community without a great impact on the use of land for farming.

The people buying in Royal Springs are from outside Avon. The use of a propane-fired cannon to scare birds from crops is not a well-known farm practice. This cannon is used by the farmer with a small cornfield about 120 feet from my home on Athena Drive. It is set to fire every two minutes, from 8 am until 8 pm although it can be used (according to farming law) 24 hours a day. My home is not protected by trees, berms, buildings, barriers...and therefore the sound is heard inside my home as well as outside. I must leave my home in order to get relief. The farming law affords me no protection and the farmer has a right to use this propane cannon. I did not know about this practice before buying a home from the original owners who did. They did not have to disclose this unbearable noise. They did not. Nor did anyone in the Town/Village offices when I asked about the home I wanted to purchase.

Royal Springs was not planned to protect homeowners from farm practices. The homes are built right next to the fields. Not all farmers use propane devices but the farmer across from me does. He knows he can and is protected by the laws. I can request a hearing with the local agriculture and markets board but will lose. The Town of Avon cannot help. As long as farmland surrounds Royal Springs, the Right to Farm laws allow the farmer to do whatever is necessary to produce crops or provide for animals.

This is why I want the Town Board to require disclosure of farming practices to all buyers within PUDS within Avon's borders. Buyers should be referred to Right to Farm information before deciding to make a home in Avon. They deserve the same protection as someone buying outside the PUD. They should be given the information needed to make a good decision. As it is now, they are not.

Making full disclosure part of real property transactions is the right thing to do!

Sincerely,

Judith A. Falzoi
Judith A. Falzoi
(585) 438-4400

Judy's letter stated that if needed the letter would be provided to the Livingston County Planning Board and then the newspapers. Discussion included the Developer stating at a previous meeting that he would work with you and the best might be to continue working with the Developer.

DISCUSSION – APPROVAL OF MINUTES

Councilman Blye brought to the attention of the Clerk the need to remove “appealed” and add “repealed” regarding Chapter 85 in the February 25, 2010 minutes.

RESOLUTION #44 APPROVAL OF MINUTES

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

ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Deputy Supervisor Cole)

RESOLVE to approve the minutes of February 25, 2010 as presented.

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

ATTORNEY REPORT

Attorney James Campbell reported on the following:

The water project on Route #39 is moving forward as he is coordinating with Stuart Brown.

LeClaire Fleming - the subsequent meeting has not been scheduled but would be scheduled in the next few weeks. A request will be made to sign the waiver to allow the Town to claim awarded grant dollars.

There was continued discussion on the electric inspection certificates used to issue Certificate of Occupancy to many homes in the Royal Springs Development. The Town is responsible for the inspections although they use a third party to complete the inspections. It was suggested to adopt a local law that would require us to have certified electric inspectors and enter into a contract with the inspectors. It was surprising to learn that if a permit is required then the Town has a responsibility. The Code Enforcement Officer will need to go out and check on the Electrical Inspector. Common Wealth has provided the Town with a list of persons with certification.

Royal Springs Developer Peter Kolokouris has been notified of this issue and Attorney James Campbell will notify David Henehan to reach out to his client as this makes the Town liable. This responsibility is with the Developer and his contractors.

The Uniform Code must be followed by the Code Enforcement Officer and we must readdress these issues and put in procedures and processes going forward.

Supervisor LeFeber reported he has had initial conversations with Bruce Howlett and that his Attorney Mr. Howard would be expecting a call from Attorney James Campbell.

There was discussion on the new Route #39 Water District Extension and the Board took the following action.

RESOLUTION #45 ESTABLISH UNIT CHARGE FOR ROUTE #39 DISTRICT EXTENSION

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

RESOLVE to designate each non-exempt parcel within the district extension boundary with one unit charge per lot for debt service. For hook-up fees the established charges will accrue. Benefit basis designation may be changed from time to time upon action of the Town Board.

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

DISCUSSION – AVON PRESERVATION & HISTORICAL SOCIETY

Discussion took place of the draft contract prepared for use with the Avon Preservation & Historical Society. Deputy Supervisor Cole will make recommendations for changes and this will be discussed further at the next Board meeting.

DISCUSSION USE OF FACILITIES

Supervisor LeFeber asked the Board if they supported use of the facilities for Census training. The training will be held on April 26 through the 30th in the Board/Court room and will run from 8:00 A.M. to 4:00 P.M. The Board appeared to be in favor of the request.

DISCUSSION HIGHWAY REPORT

Highway Superintendent Ayers reported on the following:

He spent two days in Albany and met with State Representatives of Livingston County. Only thirteen percent of the CHIPS Program money came out of the revenue and the rest was borrowed from other programs. Next years CHIPS Fund will be lower than this year. It's also expected that the State budget will not be adopted on time. Fall Committees have not even been established and the new budget may be a carbon copy of this years.

Other hot issues include the Code of Ethics.

Current salt supplies are expected to be sufficient.

The snow truck was returned on Monday and has been gone just shy of 5 weeks. The frame on both sides of the front was repaired. Parts are not kept as the truck is seven years old.

Highway Superintendent Ayers recommended the Board adopt the following resolution.

RESOLUTION #46 APPROVAL TO USE OAK OPENING ROAD FOR DETOUR

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

RESOLVE to approve temporarily lifting the load posting on Oak Opening Road (CR 65) so it can be used as a detour, during the replacement of a culvert on Honeoye Falls No. 6 Road. The project is expected to begin early July 2010 and last approximately 6 to 8 weeks.

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

DISCUSSION CODE ENFORCEMENT OFFICER

Code Enforcement Officer Anthony Cappello reported on the following:

A new State law was adopted requiring a building permit to replace roofs, hot water tanks and furnaces. The amount of charges needs to be added to the Fee Schedule.

DISCUSSION – WATER REPORT

Water Superintendent McKeown reported on the following:

The water line has been completely installed on Henty Road and hook-ups start on Monday for services.

He received a Request for Services” from the Town Clerk showing it was received by fax from the Genesee Valley Penny Saver but it was not signed and therefore he will not respond.

DISCUSSION - ENGINEERING REPORT

Engineer Rock reported on the following:

DEC will be issuing the water supply permit.

Rural Development is requesting new specs be used replacing the 2007 specs. Larsen Engineer was then required to purchase at a cost of \$464.00.

Rural Development is also requesting a copy of our easement on Route #39 near Fowlerville Road. Unfortunately the water line is outside the easement and a new easement will be required. Rural Development will need a copy of the easement and we will be required to forward at a later time.

March 2nd met with Rural Development. A sign will be required and the Town names and address.

DISCUSSION – OPERA BLOCK

Deputy Supervisor Cole reported the new speakers for the Court Room have arrived and will be installed.

Councilman Blye will work with Clerk to the Town Justice, Jan Cole, to purchase window treatments.

Deputy Supervisor Cole will train Councilman Cook on the maintenance of the building.

O'Connell has requested their money but they have not completed their work.

Other outstanding issues are bubbles in the floor, door hardware, the ability to shut-off the elevator to 1N during court and weather stripping for the doors.

RESOLUTION #47 PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2010-5 in the following amounts:

Concerning ABSTRACT of Claims Number 2010-5 including claims as follows:

General Fund	Voucher #109 through #140 in amounts totaling \$20,441.90
Highway Fund	Voucher #53 through #71 in amounts totaling \$12,954.80
Water Fund	Voucher #41 through #52 in amounts totaling \$43,032.56
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #10 through #10 in amounts totaling \$24.88
Royal Springs Lighting	Voucher #3 through #3 in amounts totaling \$1,036.77
Cross Roads Drainage	No Voucher

District
Bruckel Drainage District No Voucher
Royal Springs Drainage No Voucher
Town Of Avon Fire
Protection No Voucher
Water Capital No Voucher
Improvement

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

RESOLUTION #48 RECEIVE MONTHLY REPORTS FROM SUPERVISOR AND TOWN CLERK

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

ADOPTED AYES 5 NAYS 0

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 February from the Supervisor, and the Town Clerk Report as shown below:

Town Clerk February Report

<u>Total Local Shares Remitted:</u>	<u>\$1,614.93</u>
<u>County Treasurer for Dog Licenses</u>	<u>\$80.55</u>
<u>New York State Department of Health</u>	<u>\$67.50</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$51.00</u>
<u>NYS Environmental Conservation</u>	<u>\$27.40</u>
<u>TOTAL</u>	<u>\$1,841.38</u>

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

DISCUSSION - OPEN ITEMS

The advertisement for applications for the Avon Alternate Representative to the Livingston County Traffic & Safety Board and Youth Recreation Board has a deadline of March 19, 2010. Councilman Cook will work with the Recreation Board for the recreation appointment and Supervisor LeFeber and Councilman Blye will be recommending for the safety position.

Supervisor LeFeber stated the County Board of Supervisors had a presentation updating them on the work of opening a YMCA in Geneseo.

Councilman Blye read the e-mail he sent it to the Town Clerk regarding the Census Display as follows:



"James Blye"
<jblye@rochester.rr.com>
03/11/2010 03:59 PM

To: James Blye/US/Americas/HENKEL@HENKEL
cc
bcc
Subject: Fw: What were you thinking?

RECEIVED
MAR 11 2010
SHARON M. KNIGHT
TOWN CLERK / TAX COLLECTOR

----- Original Message -----

From: James Blye

To: toaclerk@frontiernet.net

Cc: Dave LeFeber ; Don Cook ; kpcole73@yahoo.com ; 'Thomas Mairs'

Sent: Wednesday, March 03, 2010 12:26 AM

Subject: What were you thinking?

Sharon,

At the Town Board meeting last Thursday you had asked about the Census information and displaying it. It was agreed that you would set up some information about it as it seemed important to you. I had said at that time I did not want to see things taped up and the board also was in agreement of this. I was in yesterday and saw the display on the table in the lobby and the poster TAPED to the wall above it. I took down the poster due to fact that we had specified no taping. Plus on a newly painted wall in the middle of the front lobby and exposure to the sunlight over the next 30+ days it could pull off the paint and or discolor the freshly painted wall. I guess I should have torn up the poster. Today you not only put it back up on the wall over the full table display, but you put it back up with a push pin know leaving a permanent hole in the middle of the wall. What were you thinking? I did not see anything on the community board in the bank lobby which might have been a better place for the poster as the other lobby certainly was already covered from the table information.

Sharon, it is this same indifference that you seem to have to anything or one other then yourself or your agenda that as far as I am concerned makes my opinion and answer a no from now on to any requests. I can not believe you would so carelessly scar the brand new wall for your own agenda.

Jim

Code Enforcement Officer Cappello received a request from the former Vittles Restaurant to lease their building to a company that would have large equipment and piles of materials.

**RESOLUTION #49 LOAN RESOLUTION ROUTE #39 WATER DISTRICT
EXTENSION IN THE AMOUNT OF TWO HUNDRED TWELVE THOUSAND
AND XX/100**

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

ADOPTED AYES 5 NAYS 0

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Town Board

OF THE Town of Avon

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO

WHEREAS, it is necessary for the Town of Avon
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

TWO HUNDRED TWELVE THOUSAND AND XX / 100 DOLLARS (\$212,000.00)

pursuant to the provisions of Subject to NYS local finance law; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0015), Washington, DC 20503.

- 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
- 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
- 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
- 14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities, and replacement of short lived assets.
- 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
- 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
- 17. To accept a grant in an amount not to exceed \$ 488,000.00

under the terms offered by the Government; that Town Supervisor

and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the Town Board of the

Town of Avon has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____ day of _____ , _____

Town of Avon

(SEAL)

By David LeFeber
David LeFeber

Attest:

Title Supervisor

Sharon Knight
Title Town Clerk

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the Town of Avon
 hereby certify that the Town Board of such Association is composed of
 _____ members, of whom _____ constituting a quorum, were present at a meeting thereof duly called and
 held on the _____ day of _____, _____ ; and that the foregoing resolution was adopted at such meeting
 by the vote shown above, I further certify that as of _____,
 the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
 rescinded or amended in any way.

Dated, this _____ day of _____, _____

Sharon Knight

Title Town Clerk

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

Town Clerk Knight called to the Boards attention, the correspondence from the Board of Elections that was provided to them at the last meeting, asking if they would be having any propositions on the November ballot. The Board responded stating there is no plan for propositions.

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

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