

A Regular Meeting of the Town of Avon was held on Thursday, May 27, 2010 at 6:00 P.M. at the Avon Opera Block/Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Councilmen Thomas Mairs and James Blye

ABSENT: Deputy Supervisor Cole and Councilman Donald Cook

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

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

Pledge of Allegiance

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

DISCUSSION – HIGHWAY DEPARTMENT

Highway Superintendent Ayers reported that his department has been helping other towns and mowing for the holidays.

Councilman Mairs requested Highway Superintendent Ayers ask what highway employees will be working on the 12th of June at Dump Days.

DISCUSSION – WATER DEPARTMENT

Water Superintendent McKeown reported that he would like to hire a summer person to paint some hydrants and mow grass for twenty hours per week or less. Councilman Mairs asked if this was in the budget and the response was it is not in the budget. Supervisor LeFeber asked if the position will be advertised and the answer was yes.

DISCUSSION – ATTORNEY REPORT

Attorney James Campbell reported on the following:

A correspondence will be sent to Royal Springs Developer Peter Kolokouris in response to the Developer's concern of his electrician performing repairs to homes within the Royal Springs Development. Electrical issues continue to be identified and there is progress but homeowners are in danger.

An application has been made with the Planning Board for the subdivision filed with the County related to the sale of property previously owned by John Halpin. It's expected this will cure the problem of seeking approval for the subdivision on his land as they are large lots. Discussions were held with both attorneys involved with the sale. Attorney Docherty was out of Town and Attorney Porter was told by the land surveyor that a subdivision process was not required. He asked for the direction of the Board if

they would like any further action and that they would need to identify their goals and what they would like to accomplish.

As projected, the AT&T lease term sheet did contain an error with the automatic pay increase. The Board requested Attorney Campbell move forward with the contract that contains both a significant raise in the rent and an automatic pay increase of three percent.

Supervisor LeFeber reported that the legal notice for the Public Hearing for the proposed rezone of property at 4859 Littleville Road was advertised as 4859 Lakeville Road. Attorney James Campbell requested a corrected legal notice be published.

Supervisor LeFeber will follow-up on the Town's request for additional easements from Helge Heen for the Route #39 water district extension. Initial discussions have been held with Helge Heen's Attorney without success.

Supervisor LeFeber will send a letter to Mr. Heen stating that we are in receipt of his request of a zoning change of the Ashantee Subdivision. He will also forward the request to the Planning Board for review and recommendation.

A committee of two members of the Planning Board, Zoning Board of Appeals and Town Board will convene to discuss changes/additions/deletions of the Town of Avon Code. There was continued discussion of the request from the East Avon Fire Department for a sign. Attorney James Campbell stated that the Fire Department does not require Town review as they are a municipality. There was discussion on the signs within our Village including CVS, the Bank of Castile and new signs at Valero.

Attorney James Campbell reported we continue to be on hold with LeClair Flemming and that he is waiting for further directions from the Board. Supervisor LeFeber stated at this time we need to prepare a "statement of impact". This may move us closer to receiving the grant funding for the State as we have a signed contract. The statement will include the dates we are required to make payments.

DISCUSSION - ENGINEERING REPORT

Engineer Rock provided the Board with the following letter regarding the:



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ENGINEERS
PLANNERS
SCIENTISTS
SURVEYORS

7-3-6063

David LeFeber, Supervisor and Town Board Members
Town of Avon
23 Genesee Street
Avon, New York 14414

Re: **Route 39 Watermain
Bid Opening
Recommendation**

Dear David and Board Members,

Attached is the Tabulation of Bids for the Route 39 Watermain that document the Bid Opening of May 20, 2010. There were four bidders, who ranged from D. E. Tarolli, Inc's low bid of \$538,216.00 to a high bid of \$634,495.00. An error was found in the second lowest bid, where three mathematical errors added to their bid opening number. The error does not affect the bid results.

Derek E. Tarolli, President of D. E. Tarolli, Inc. submitted the lowest bid. The unit prices of the bid are in line with the engineers estimate. Their address is 6602 Herman Road, Warners, NY 13164. Phone No. 315-638-7402; Fax No. 315-857-0186 and e-mail: Kelly@detarolli.com. The bid bond supplied by D. E. Tarolli, Inc. is on the form required by Rural Development. The forms that Rural Development required included with the bid have be completed and executed. The qualifications statement states that D. E. Tarolli, Inc. began in business in November 1, 1994. It states the they have previous contracts where they participated in equal employment opportunities and filed compliance reports.

We called the Project References that showed past watermain experience, and found praise for the past and current project performance. Specifically, we spoke with Patrick Sherlock of the Onondaga County Water Authority where D. E. Tarolli, Inc. has and is working on several successive years of significant watermain work. Also, we spoke with Ralph Whedon of O'Brian & Gere, who said that D. E. Tarolli, Inc. has successfully installed a number of water projects.

Based on the above, we recommend that the Town award the Route 39 Watermain Contract to D. E. Tarolli, Inc. for their bid of \$538,216.00.

If you have any questions on this, or if you need additional information, feel free to call.

Sincerely,

Timothy C. Rock, P.E.

Cc: Dan McKeown, Water Superintendent
James W Campbell Esq., Town Attorney

The following bids were received:

Villager Construction Inc. 425 Old Macedon Center Road Fairport, NY 14450	Phone 223-7697 Fax 223-7787	\$634,495.00
M L Smith Construction 2919 Silver Lake Road Perry, New York 14530-9606	Phone 322-3182 Fax 237-5275	610,505.00 Rural Development
D. E. Tarolli, Inc. 6602 Herman Road Warners, NY 13164	Phone 315-638-7402 Fax 315-857-0186	\$538,216.00
Morsch Pipeline 3929 South Avon Road Avon, NY 14414	Phone 226-2891 Fax 226-3198	\$573,556.77 Rural Development

RESOLUTION #73 ACCEPT BID OF D. E. TAROLLI, INC., 6602 HERMAN ROAD, WARNERS, NEW YORK 13164

On motion of Supervisor LeFeber, seconded by Councilman Blye the following resolution was ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Cook)

RESOLVE to accept the bid of D. E. Tarolli, Inc., 6602 Herman Road, Warners, New York 13164, in the amount of \$538,216.00.

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

DISCUSSION - ENGINEERING REPORT – continued

Engineer Rock stated that we will be submitting the bid information to Rural Development. The bid is just a little higher than the dollars projected two years ago. Attorney James Campbell will need to review the documents. The letter of conditions will be completed by Grant Writer Stuart Brown.

There was discussion of increasing the size of the pipe on South Avon Road. The Board will revisit and if there is money in the budget a change order will be completed. Two months from now monies will need to be available.

Supervisor LeFeber stated that the general fund has supported the expenses to date and the first monies received will be to pay back the general fund. All funds will be coming from the American Recovery Act that is supported by Federal tax dollars. No funds will be received from New York State.

Discussions were held regarding the need to update our zoning map on a regular basis. The Board appeared to approve to hire Larsen Engineering to provide an updated map. Information will be come from the County. Annual updates will be in September at the time we update the Town Code.

DISCUSSION CODE ENFORCEMENT OFFICER

Code Enforcement Officer Anthony Cappello reported on the following:

The Town continued their discussion on the electrical issues in the Royal Springs Development to include the following:

Notify the Developer that the Town of Avon would prefer the follow-up inspections be conducted by Common Wealth.

It was stressed a time frame needs to be given and this has been discussed for many meetings.

American Inland is perceived to be off the hook according to the law and that is why we are considering adopting a new local law.

The Town is in a delicate situation and we are trying to encourage the developer to fix the problems.

Individual home owners have the options to seek legal representative or electricians to keep their homes safe.

Since this is a sensitive issue all correspondences should be referred to Code Enforcement Officer Anthony Cappello rather than the Code Clerk.

DISCUSSION – RECOGNIZE JOHN & BARBARA BAILEY AS AVON'S SENIOR CITIZEN OF THE YEAR NAMED BY THE LIVINGSTON COUNTY OFFICE OF THE AGING

Supervisor LeFeber welcomed Barbara and John to the meeting and presented them with a certificate of appreciation. The following biography was read:

*Town of Avon 2010 Senior Citizens of the Year
John and Barbara Bailey*

The Town of Avon is honored to present the 2010 Senior Citizen of the Year Award to John and Barbara Bailey.

On May 4th, Mr. and Mrs. Bailey celebrated 53 years of marriage. Even after raising 5 children, the couple has found time to volunteer in their community, giving countless rides to doctor's appointments and shopping trips to those in need. Barbara is an active member of

the Avon XYZ Senior Citizens Club, where she serves as secretary, makes regular visits to brighten the day of the residents of the Avon Nursing Home and Center for Nursing and Rehabilitation in Mt. Morris, served as a Sunday School teacher and Girl Scout Leader. So many people have had their days brightened by receiving flowers from her garden or baked goods from her kitchen.

John is a 4-year veteran of the U. S. Navy, serving his country from 1951 to 1955. He was one of the first drivers for the Avon Rotary Volunteer Ambulance Corps. John is an active member and volunteer for the Lima Gun Club where is serves on the Board of Directors. For the past few years, he has generously donated produce from his garden to the local Farmers' Market.

We are pleased to present them with this award to day in recognition of their community service. Mr. and Mrs. Bailey are escorted by Mr. David LeFerber, Supervisor from the Town of Avon.

DISCUSSION – RECOGNIZE AVON’S TEENS RECEIVING THE “2010 TEEN RECOGNITION AWARD” NAMED BY THE LIVINGSTON COUNTY YOUTH BOARD

Supervisor LeFerber welcome all in attendance and recognized the following teens by reading their biographies as follows:

Madison Amey is a self-motivated and mature young lady who volunteers much of her time and talent to her church. She works on fundraisers and events, prepares and presents power points for church services and is a teacher assistant for Sunday School. Madison spent many Saturdays helping the church remodel the fellowship hall. She is involved in community work such as the building of the Avon Community Fitness and Nature Trail, a trail created and maintained by the Avon community. In school, Madison is a member of the drama club where she performs and is involved in sustaining the group. Her smile and cheerful personality make her a welcome addition to any project and a role model for others.

Nominated by Susan Moses and Ginny House, Avon United Methodist Church members

Rachel Feathers is a cheerful young woman who is always willing to lend a hand. She is kind to animals, and participates in the BOCES Animal Science Program. She volunteers to care for the neighbor’s horse and goat. Rachel also spends much of her time listening to and caring for her peers and community. She is a mentor to peers and younger children, volunteers at the Mt. Morris Reading Program, and volunteers at holiday programs for Livingston County children. Throughout household challenges, Rachel has maintained an open mind, love, and understanding. Rachel is a role model who demonstrates sincere empathy for others.

Nominated by Gina Montanye, Case Manager

Jasmine Gaddy is a strong, positive individual. She has overcome a lot in her life, but has not let the adversity from her past get her down, and she continues to make strides in her life despite her past trauma. She is a positive influence and role model to her younger brother. Jasmine is involved at school, participating in JV soccer and JV cheerleading,

and she also maintains a steady job at a dog grooming salon. Jasmine is a unique girl who exemplifies the qualities of a teen who should be recognized for overcoming the personal challenges she has faced.

Nominated by Donna Mankoff, Livingston County DSS Caseworker

Mary C. Hanchar is an extremely dedicated young woman. Although she already has a large academic workload, Mary has an active role in numerous extracurricular activities. She mentors younger students once a week, has been an active member of Interact, volunteers within her church, and is a member of the student council. Mary has a love of dancing and horseback riding, and still finds time to do both. Mary is an amazing young lady who leads by example and motivates others with her actions.

Nominated by Linda Kime, Rotary Interact Club Advisor

Danielle M. McBride volunteers her time and talents to a myriad of school and community organizations. Extra-curricular activities include student council, Rotary Interact Club, National Honor Society, band, and Drama Club, just to name a few. Within her community, Danielle has helped plan and organize numerous events including blood drives, car washes, food drives, festivals, and spaghetti dinners. She has volunteered her time to mentoring ninth graders. As president of Interact Club, she has participated in many fundraisers. The young lady is the chairperson of the EDIFY Youth Leadership Council and has spoken to state legislators about youth issues. Danielle leads with her actions – she is always willing to help, has a great attitude, and is a very hard worker. She is a highly respected leader within her school and community.

**Nominated by Jeffrey A. Hancock, Art Director and Scene Director with ACS, and Linda Kime, Avon Rotary Interact Club Advisor*

Sarah Peck is a helpful and highly reliable young woman who has participated in many community service organizations and events. As a member of Interact Club, she is always the first to volunteer and has worked at food pantries, the Geneseo Valley Rotary Camp, various Rotary drives, and an exchange student program. Sarah has also cooked and served at the Ronald McDonald House, helped out at the Breakfast with Santa, fundraised for Habitat for Humanity and Muscular Dystrophy, is a soccer coach for the Village of Avon's Youth Soccer Program, and mentors ninth graders. Sarah is a self-motivated individual. She is on the honor roll and is actively involved with numerous school and community activities. Sarah always has an upbeat attitude and a willingness to listen and help others.

Nominated by Linda Kime, Avon Rotary Interact Club Advisor

Supervisor LeFeber read the following biographies and the Town Clerk will mail the certificates as follows:

Brian Babbitt is a remarkable young man. He has dedicated his time to several volunteer efforts at events including the Special Olympics, senior citizen dances, and numerous other events through National Honor Society and Interact Club. Brian is also an exemplary student. He has been on the honor roll and high honor roll, and is involved in sports year-round. Brian is a leader – he balances a heavy workload at school,

extracurricular activities, and volunteer work. He also has an outstanding quality, a sense of knowing when people need help. Brian always offers assistance to those who need it.
Nominated by Linda Kime, Rotary Interact Club Advisor

Courtney Knauber is a selfless and genuinely kind young woman who entered foster care at age four and has had many challenges in her young life. However, she has risen above her personal issues and has proven to be an amazing young woman. Courtney is involved in organizations such as President's Club, the Culture Club, and FOR club, an organization formed in memory of Rachel Scott, a Columbine victim. She also does volunteer work, such as helping to provide a dinner at the Elijah in Leicester and fundraising for those in need such as African AIDs orphans and Missing and Exploited Children. Courtney is also an honor roll student. She is a genuine leader, a person willing to connect with others and help her friends during times of need. Courtney is an inspiration, and through her example encourages others to pay it forward.
Nominated by Ms. Julie Gilman, York Central School Counselor

Ashley Reed has been involved in a number of different service clubs. Her parents participate in community service organizations, and Ashley has followed their example of giving back to the community. Besides helping them with their projects, Ashley has been active in her school's Rotary Interact Club where she has held the positions of vice president and president. Through this organization Ashley has helped at Rotary Auctions, raised money for various causes, helped at the food pantry, assisted in bake sales, hosted an exchange student for a weekend, has helped at a number of road clean-ups, and plans and organizes community events. Ashley received the Rotary Youth Leadership Award in 2009, and attended a leadership camp for a week. Ashley is a well-rounded young lady who has contributed to the lives of many.
Nominated by Linda Kime, Avon Rotary Interact Club Advisor

RESOLUTION #74 – PAYMENT OF BILLS

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

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

RESOLVE to accept for payment Abstract 2010-10 in the following amounts:

Concerning ABSTRACT of Claims Number 2010-10 including claims as follows:

General Fund	Voucher #256 through #270 in amounts totaling \$10,933.19
Highway Fund	Voucher #124 through #136 in amounts totaling \$21,200.56
Water Fund	Voucher #88 through # 92 in amounts totaling \$ 36,774.41
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher # 19 through # 19 in amounts totaling \$16,967.00
Royal Springs Lighting	No Voucher

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 - Absent, Deputy Supervisor Cole - Absent, Supervisor LeFeber - Aye

DISCUSSION – CHANGES TO THE NEW YORK STATE RETIREMENT SYSTEM

Supervisor LeFeber discussed the changes to the New York State Retirement System and the newly mandated process that includes logs, resolutions and posting. Town Clerk Knight shared her understanding of the law to include appointed employees that do not keep time sheets and newly elected officials must log for three months and those within an elected term may be required to keep a log for thirty days. The resolution would need to include title, name, last four digits of social security number, registration number, standard work day, term begins/ends, participates in employer's time keeping system, days months – based on record of activities. Supervisor LeFeber stated the Board must put in the favorability to the calendars that have been turned in.

DISCUSSION - OPEN ITEMS

Councilman Mairs asked that an advertisement be placed one week before Dump Days.

Supervisor LeFeber reported that Harper Park our biggest water customer's use is down twenty percent. It was reported the park is moving to doublewide homes.

Supervisor LeFeber stated that he received a letter from an employee regarding another employee's actions. He has found the building unlocked with lights left on and had an employee not acting professionally to him. Further discussion will be held when a full board is in attendance.

Town Clerk Knight provided a sample resolution regarding the Governor's proposed change to dog licensing as follows:

**CHAUTAUQUA COUNTY
MOTION NO. _____**

**TITLE: Opposing Governor's Plan to Eliminate New York Department of Agriculture
&
Markets Role in Dog Licensing**

AT THE REQUEST OF: Legislator Gould, Stewart, Barmore, Richmond

WHEREAS, Governor Paterson has proposed the New York Department of Agriculture & Markets role in dog licensing be eliminated; and

WHEREAS, this change will abandon the single centralized data management and license renewal system resulting in the costly development of over 900 different data management and license renewal systems to be maintained and operated by each locality; and

WHEREAS, this action will require numerous mailing and wasteful license renewal notices to dog owners who have moved to new residences; and

WHEREAS, the State will no longer purchase and stamp dog tags in bulk, requiring each of the hundreds of localities to separately design, purchase and produce dog tags in smaller quantities; and

WHEREAS, this proposed system will result in higher local share costs and greater bureaucratic burdens; therefore let it be

KNOWN, That the Chautauqua County Legislature is opposed to the Governor Paterson's proposed changes in the elimination of the New York Department of Agriculture's role in dog licensing requirements, and be it further

MOVED, That Clerk of the Chautauqua County Legislature is hereby directed to send certified copies of this resolution to Governor David Paterson, Senate Majority Leader Pedro Espada, Jr., Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator Cathy Young, Assemblyman William Parment, Assemblyman Joe Giglio.

Town Clerk Knight reported we have received a reduced rate for eCode360 from General Code. A copy of the proposal was provided to Councilman Blye.

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 7:50 P.M.

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