

A Regular Meeting of the Town of Avon was held on Thursday, August 26, 2010 at 6:00 P.M. at the Avon Opera Block/Town Hall with the following members present:

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

ABSENT: Deputy Supervisor Cole

OTHERS: Highway Superintendent Robert Ayers, Attorney James Campbell, Water Superintendent Daniel McKeown, Code Enforcement Officer Anthony Cappello and Town Clerk Sharon Knight

VISITORS: Joe Montesano, Sean Adams, and David J. Gollus Account Executive, NYS Deferred Compensation Plan

Supervisor LeFeber called the meeting to order at 6:03 P.M.

Pledge of Allegiance

### **DISCUSSION – VISITOR JOE MONTESANO**

Visitor Joe Montesano addressed the Board regarding the recently installed water line on Route #39. He commended the Board for completing the project. He stated the Water Superintendent had different thoughts on the ownership of the property next to his home. It was his understanding the parcel was one lot and that he owned all of the property. He asked the Board for their interpretation and questioned why he was paying tax on the property if he did not own the property. A copy of the tax map and tax bill was shared with the Board. When requested by the Water Superintendent he gave permission to use the property to store construction equipment. If the property is not owned by him then there is a concern of using this property without permission. Water Superintendent McKeown stated that the tax maps he reviewed showed that Mr. Montesano did not own the property.

Mr. Montesano also requested the following:

Back blading and fill dirt on his property located on North Avenue. He had asked the contractor for fill dirt and received six loads of shale and it's an eye sore in the residential neighborhood. The Board suggested he work with the contractor D. E. Tarolli, Inc. as the two of them had a relationship and the Board was not a part of that relationship.

Additional black top is needed at the end of his driveway as he is worried where they tied into his driveway. Water Superintendent McKeown provided copies of photos showing the covert that broke-up the front of the driveway.

Also additional raking is needed in his side yard.

**DISCUSSION – VISITOR JOE MONTESANO-continued**

He asked if there is a date for turning on the water. Water Superintendent McKeown stated he expects approval from the Health Department within a week or so. Mr. Montesano requested to be notified when he can hook-up.

The Board and Attorney reviewed the tax map and tax bill and determined the property is one and the entire parcel is owned by Mr. Montesano. Water Superintendent McKeown stated that three other residents requested fill and the contractor did not back blade any properties. All items will be added to the punch list except the North Avenue property.

**DISCUSSION – DEFERRED COMPENSATION**

David J. Gollus Account Executive with the New York State Deferred Compensation Plan addressed the Board sharing information on the Plan. Employees can put pre taxed dollars into a 401K type plan, there are no age restriction, the minimum is \$10.00 and the maximum is \$16,500.00 but there are exceptions that increase the maximum. There are many different options for investment and the employee chooses not only an amount but the type of investments.

The Town Board would need to approve the plan as they would be required to provide payment through check or wire if the employees take part in the Plan. There is no cost to the Town.

Six or seven Towns in Livingston County participate in offering this benefit to it's employees. The Town Board does not sanction or take any responsibility of the funds or the choices an employee makes to participate or the type investment of funds.

Town Clerk Knight reported that she knows of the following municipalities that participate in a New York State Deferred Compensation Plan. They are the Village of Avon and Town's of Poughkeepsie, Massena, Southold, Sterling, Concord, and Guiderland.

The question of bidding was discussed and if the Board in Albany oversees the plan administrating then bidding is not required.

Mr. Gollus offered to meet with employees and the Board appeared to be ready to approve the program if employees were interested.

**DISCUSSION – VISITOR SEAN ADAMS**

Code Enforcement Officer Cappello introduced Sean Adams who recently purchased property in the Town of Avon. There is a pond on his property and he was told that he needs to comply with the fencing requirements that are related to swimming pools. After much discussion the Board determined that the pond would fall under the oversight of the

**DISCUSSION – VISITOR SEAN ADAMS-continued**

New York State Department of Conservation as the pond provides drainage. The pond is also on the neighbor's property and the work will be completed by the new property owner to fill that part of the pond to remove liability as requested by the existing neighbor.

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

**RESOLUTION #115 APPROVAL OF MINUTES**

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

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

RESOLVE to approve the minutes of August 12, 2010 as presented.

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

**DISCUSSION - HIGHWAY DEPARTMENT**

Highway Superintendent Ayers reported on the following:

The flashing light at the end of Genesee Street is stuck on a solid red light. A part has been ordered and is expected to arrive in September.

A report was filed with our insurance company as a Springwater's town truck backed into our sterling truck. The estimate is approximately \$3,000.00 and was left open as the radiator is leaking and may need to be replaced. A police report was filed.

The Rush Henrietta School District has an advertisement in the Pennysaver asking for sealed bid for a generator. The cost for a new generator is \$24,000 to \$28,000. The minimum bid is \$4,000.00. The Board appeared to give approval for the Highway Superintendent to place a sealed bid.

The new truck arrived today. Eighteen years ago the Highway Department did not have a ten wheeler dump truck. He thanked the current and past Boards for providing support to get us to this point. Supervisor LeFeber stated that the excellent care and maintenance is also appreciated.

**DISCUSSION – WATER DEPARTMENT**

Water Superintendent McKeown reported on the following:

He is flushing hydrants.

**DISCUSSION – WATER DEPARTMENT-continued**

The Route #39 water project is eighty percent completed. There are about twenty items on the punch list such as picking up trash, seeding grass, replacing mile marker signs, and a lot of little stuff. Samples have been taken and we are waiting for the results. The Engineer is responsible to complete a pressure test and prepare a letter. A second letter for the County Health Department is required prior to turning on water. Larsen Engineer has asked the State to drive the route and they had no concerns with the project.

There was continued discussion and review of the photos regarding the requests from Mr. Montesano. It appears there was a straight cut and additional fill was used as his driveway has cracks. Supervisor LeFeber stated the driveway is the same or better than when we started the work.

Property owned by the Sotak's were inadvertently not included in the original Route #39 project and will be added.

Supervisor LeFeber reported that the consumption of water use of our largest customer, Harper Park, continues to be down. Currently it's down thirty-three percent, which totals seven million gallons. He asked the Board to give thought to this issue as it will need to be addressed at budget time.

**DISCUSSION – ATTORNEY REPORT**

Attorney James Campbell requested an executive session regarding pending Article 7.

**DISCUSSION - ENGINEERING REPORT**

Engineer Rock was not in attendance as he is on vacation.

**DISCUSSION CODE ENFORCEMENT OFFICER**

Code Enforcement Officer Anthony Cappello reported on the following:

He recently sent a letter to Ashantee Developer Helge Heen and Howlett Farm that was provided by Attorney Campbell. Supervisor LeFeber noted that a letter was received from Mr. Heen dated the 23<sup>rd</sup> of August.

A building is in need of a new roof on Pole Bridge Road and the owner of the property was asked to make the repairs. The owner refused at this time, but will repair when he believes it's necessary.

There continues to be a need to develop procedures and approve electrical inspectors in accordance with the newly adopted local law.

Royal Springs had 8 complaints of driveways and other houses are looking at more problems.

**DISCUSSION CODE ENFORCEMENT OFFICER-continued**

There was discussion on the property that is land locked on Pole Bridge Road. This parcel was an illegal subdivision and is now two separate parcels. The landlocked parcel is unmarketable, although it could be sold with the purchase of additional property.

Jackson Welding is requesting approval to place a propane tank on their property to be used for their existing business. Attorney Campbell suggested forwarding the request to the Planning Board for their review and the Town Board agreed.

A call was received requesting information on the Town of Avon's local laws in regards to opening a gun club. Attorney Campbell stated if it's not listed as a permitted use then its deemed to not be permitted. This was also recommended to be forwarded to the Planning Board.

**RESOLUTION #116 PAYMENT OF BILLS**

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

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

RESOLVE to accept for payment Abstract 2010-16 in the following amounts:

Concerning ABSTRACT of Claims Number 2010-16 including claims as follows:

General Fund	Voucher #421 through #434 in amounts totaling \$15,546.67
Highway Fund	Voucher #193 through #200 in amounts totaling \$4,884.08
Water Fund	Voucher #140 through #144 in amounts totaling \$1,869.07
Cemetery Fund	No Voucher
Opera Block Capital	
Improvement	Voucher #23 through #23 in amounts \$13,866.00
Royal Springs Lighting	No Voucher
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	Voucher #3 through #3 in amounts totaling \$8,793.49
Improvement	

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

**DISCUSSION – TENTATIVE BUDGET**

Supervisor LeFeber stated that he had prepared the tentative budget and requested to schedule a work session. The Board took the following action.

**RESOLUTION #117 SCHEDULE TOWN BOARD MEETING FOR A WORK SESSION**

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

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

RESOLVE to schedule a Town Board Meeting for September 21, 2010 at 5:30 P.M. at the Opera Block/Town Hall, 23 Genesee Street, Avon, New York, 14414 for the purpose of a budget work session and any other business that may come before the Board.

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

**DISCUSSION – COURT PERSONNEL**

There was continued discussion of a request for additional personnel in the Court. Supervisor LeFeber would like the Justices to address this request at budget time. Town Clerk Knight shared a request from Justice Clerk Janis Cole for the Board to consider an appointment for the 21<sup>st</sup> of September.

**DISCUSSION – ELEVATOR SERVICE AGREEMENT**

Supervisor LeFeber stated additional proposed agreements will be sought as the current agreement calls for overtime costs if the elevator is serviced outside of the hours of 8:00 A.M. to 4:30 P.M.

**RESOLUTION #118 PAYMENT APPLICATION**

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

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

RESOLVE to approve Supervisor LeFeber to sign the Application for Payment to D. E. Tarolli, Inc.

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

**DISCUSSION – EXEMPTION INCOME LIMITS**

Supervisor LeFeber reported a communications was received from the Livingston County Real Property Tax Services and the Board reviewed and appeared to agree both the Senior Citizens' exemption and Persons with Disabilities and Limited Income exemption income levels, and will maintain exemption income levels consistent with Livingston County for the 2011 Assessment Roll year \$19,500 (50%) - \$27,899.99 (5%).

**DISCUSSION – RENTING SPACE IN THE OPERA BLOCK/TOWN HALL**

Supervisor LeFeber reported he received a request to rent space from an Attorney. The Town of Livonia has a renters lease for property they rent. It was questioned if any of our grant awards have any restrictions. The Board would be willing to consider renting at a fair market rental cost.

**DISCUSSION – DOG LICENSING**

Town Clerk Knight reported on the recently adopted change to Article 7 of the Agriculture and Markets Law and it's affect to the Town of Avon. One of the outstanding questions is in regards to a New York State data base. Our software supplier BAS is ready to provide a state wide data base to its customers and Digital Towpath is also interested in providing a data base. We are fortunate to have relationships with both BAS who is an independent company and Digital Towpath who is a shared service not for profit company. The County Clerks and the New York State Town Clerk's Association continue to work towards a unified dog licensing program. Another change that will need to be is our 1978 contract that renews each year with Livingston County to provide services for the enforcement of Article 7. The Board will be required to adopt a local law that would contain information regarding the following:

Out-of-State licensing requirements, considering allowing the County to issue dog licenses, dog license application requirements, issuance of purebred licenses, dog license fees with a \$5.00 differential maintained between licenses for altered vs. unaltered dogs, exempt guide dogs and other service dogs, other surcharges for costs associated with enumeration or other items, exempt of dogs in dog shows from having to wear ID tags, bound fees, monetary penalties.

Town Clerk Knight requested the Board consider her attending Leadership Livingston 2011 hosted by the Livingston County Chamber. The Board appeared to be in favor and the costs would be taken out of the Town Board budget line.

There was discussion of the request for upgrading the computers in the Town Clerk's Office. Supervisor LeFeber shared a response from Deputy Supervisor Cole that included the need to save work in a different format. Town Clerk Knight stated she would follow-up with Deputy Supervisor Cole.

**RESOLUTION #119 EXECUTIVE SESSION**

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

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

RESOLVE to enter into executive session for the purpose of the discussions of proposed, pending or current litigation. TIME 8:20 P.M. inviting Attorney Campbell.

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

**RESOLUTION #120 CLOSE EXECUTIVE SESSION**

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

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

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 8:50 P.M.

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

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 8:50 P.M.

Respectfully submitted by,

  
Sharon M. Knight, CMC/RMC, Town Clerk