

A Regular Meeting of the Town of Avon was held on Thursday, November 4, 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 Councilman James Blye

OTHERS: Attorney James Campbell, Highway Superintendent Robert Ayers, Town Engineer Timothy Rock, Water Superintendent Daniel McKeown, and Town Clerk Sharon Knight, CMC/RMC

VISITORS: Mike Decillis, Gardner Low, Betty Hanna, Kathleen Mannix, Joe Montesano, Bill Combs, Mark Blakley, Phil Swanson, Joan Swanson, Steve Bailor, Walter Bailor, Matt Griffiths, Richard Sisson.

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

Pledge of Allegiance

**RESOLUTION #144 APPROVAL OF MINUTES**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to accept the minutes of September 23, 2010 as presented.

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

**RESOLUTION #142 EXPENDING FUNDS ROUTE #39**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to accept the recommendation of both the Water Superintendent and Engineer to purchase eight inch pipe to be installed at a later time on South Avon Road.

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

**RESOLUTION #145 APPROVAL OF MINUTES**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

**RESOLUTION #145 APPROVAL OF MINUTES-continued**

RESOLVE to accept the minutes of October 17, 2010 as presented.

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

**RESOLUTION #146 LOCAL LAW T-4A-2010**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to schedule a public hearing for Local Law T-4A-2010 with the following legal notice:

PLEASE TAKE NOTICE that, for the purpose of adopting a local law to provide procedures to be followed in relation to the licensing of dogs, within the Town of Avon, Livingston County, New York

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 November 18, 2010 at 6:00 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: OCTOBER 29, 2010  
PUBLISHED: NOVEMBER 10, 2010  
BY ORDER OF THE TOWN BOARD  
SHARON M. KNIGHT, CMC/RMC  
AVON TOWN CLERK

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

**DISCUSSION – ATTORNEY REPORT**

Attorney Campbell reported on the following:

An update of the Zoning Board of Appeals meeting was provided.

Working on dedication of roads in Royal Springs continues.

Next week the Article 7 regarding the Lockhart parcel will proceed.

There was discussion on the unit charges for the Route #39 Water District Extension including but not limited to the number of unit charges, required audits, and the notice of public hearing.

A letter of intent was provided to the Board by Highway Superintendent Ayers from Edmund S. Martin on behalf of Peter Bruckel for the Town to accept dedication of Morgan Drive. The Board considered the request and discussed the need for a letter of credit from an approved New York State bank that would require to be signed off by the Supervisor, Town Engineer and Highway Superintendent. The amount would be estimated at \$26,000 (cost of project) with an additional \$10,000.00 for a total of \$36,000.00 and require the road be brought to Town standards by June 1, 2011.

The last item to report was that he would be out of town for a one week period.

**RESOLUTION #147 DEDICATION OF MORGAN DRIVE**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOVLE to send a letter to Peter Bruckel stating that the Board looks favorable on the request to accept dedication of Morgan Drive.

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

**DISCUSSION – HIGHWAY REPORT**

Highway Superintendent Ayers reported on the new emission regulations standards that will be required by December 31, 2010. The regulations exempt vehicles used for snow removal. Retrofitting is expected to cost \$13,000.00 to \$20,000.00. Only new purchased trucks will meet the new standards.

**DISCUSSION – ENGINEER REPORT**

Engineer Rock provided the following report:

Information has been provided by the County and our Zoning map will be updated. The cost is approximately \$1,000 and will be ready in two weeks.

The punch list work is almost complete, only one fire hydrant remains.

Several options were presented to the Board to expend the remaining funds of \$12,580.00. After consideration the Board took the following action.

**RESOLUTION #148 ABSTRACT OF CLAIMS**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to approve payment of the following claims:

Concerning ABSTRACT of Claims Number 2010-21 including claims as follows:

General Fund	Voucher #504 through #548 in amounts totaling \$14,355.36
Highway Fund	Voucher #236 through #256 in amounts totaling \$19,996.30
Water Fund	Voucher #168 through #177 in amounts totaling \$4,377.96
Cemetery Fund	No Voucher
Opera Block Capital Improvement	Voucher #26 through #26 in amounts totaling \$39.88
Royal Springs Lighting	Voucher #10 through #10 in amounts totaling \$999.08
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	Voucher #9 through #11 in amounts totaling \$4,243.61

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

**RESOLUTION #149 ACCEPT MONTHLY REPORTS**

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

**RESOLUTION #149 ACCEPT MONTHLY REPORTS-continued**

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to accept the October monthly reports from Supervisor LeFeber and Town Clerk Sharon Knight as shown below:

Total Local Shares Remitted:	\$391.94
County Treasurer for Dog Licenses	\$19.97
New York State Department of Health	\$22.50
NYS Ag. & Markets for spay/neuter program	\$3.00
NYS Environmental Conservation	\$1,593.59
Recreation	\$45.00
Water Fee	\$197.42
<b>TOTAL</b>	<b>\$2,273.42</b>

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

**DISCUSSION – WATER REPORT**

Water Superintendent McKeown reported on the following:

We are receiving good readings in Harper Park.  
Meter readings have been completed.

Matt Kyle of Kyle Farm is interested in having water. Because he does not own the property a formal request by the property owner is necessary. Discussion included what the charge would be as the Town had previously installed a hook-up in front of the property. Further discussion will take place at a future meeting.

**CODE ENFORCEMENT REPORT**

Code Enforcement Cappello was not in attendance but provided a written report.

**DISCUSSION –CLERK TO TOWN JUSTICES**

Supervisor LeFeber reported that a verbal recommendation was made by the Town Justices to appoint Stephanie Schweitzer to the position of Clerk to the Town Justice. She would fill in when another Clerk is not available.

**RESOLUTION #150 – CREATE A THIRD POSITION ENTITLED CLERK TO THE TOWN JUSTICE**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

**RESOLUTION #150 – CREATE A THIRD POSITION ENTITLED CLERK TO THE TOWN JUSTICE-continued**

RESOLVE to create a third position entitled Clerk to the Town Justice.

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

**RESOLUTION #151 – AMEND 2010 COMPENSATION SCHEDULE**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to amend the 2010 Compensation Schedule adding the following:

<u>Name</u>	<u>Position/Duties</u>	<u>Status</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
Stephanie Schweitzer	Clerk to the Town Justice	Part Time	\$ .00	\$10.45

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

**RESOLUTION #152 – WATER RE-LEVY**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to re-levy unpaid water charges in the amount of \$21,722.74.

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

**OPEN – PUBLIC HEARING – SPECIAL UNIT CHARGES**

Supervisor LeFeber opened the public hearing by reading the following legal notice:

**TOWN OF AVON  
NOTICE OF PUBLIC HEARING**

The tentative 2011 special assessment roll of the Route #39 Water District Extension, Royal Springs Subdivision Lighting District and the Bruckel Drainage District has been completed and will be on file at the Avon Town Clerk’s Office, 23 Genesee

**OPEN – PUBLIC HEARING – SPECIAL UNIT CHARGES-continued**

Street, Avon, New York 14414 for review during regular business hours. The special assessment rolls indicate how many units you will be charged for the water extension, drainage and/or lighting on your property tax bill for 2011.

The Avon Town Board will hold a public hearing for owners of property located within the above-described districts on Thursday, November 4, 2010 at 7:15 P.M. in the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414 to hear objections to the special assessment roll.

By Order of the Town Board  
Sharon M. Knight, CMC/RMC  
Avon Town Clerk  
Publication Date: October 21, 2010  
& October 28, 2010

Visitor Phil Swanston questioned if Royal Springs Developer Peter Kolokouris is responsible for the poles and lighting. Supervisor LeFeber stated this question would be reviewed. The usage charge is for the entire system and is approximately \$115.00 per unit.

Visitor Mike Decillis questioned why these items were not determined when the lights were installed. Complaints were made more than one year ago and still many lights continue to be out or very dim.

Supervisor LeFeber stated that the cost for the infrastructure of the Route #39 Water District extension would be approximately \$275.00 to \$300.00. The final interest rate will be determined at the closing of the bond anticipation note and is scheduled for mid January. The cost of water is \$50.00 for the first 8,000 gallons and \$6.08 per thousand gallons after that.

Visitor Richard Sisson, 2505 Avon Road questioned why he was going to be charged for two units. He stated he owns two pieces of property. He stated that in other communities they are not charged twice. Supervisor LeFeber stated this is the reason a public hearing is held and that the unit charges had been determined. A public hearing is held yearly.

Visitor Mark Blakely questioned if he would be charged a unit charge as they own three parcels. Supervisor LeFeber explained that if the property is vacant and is not exempt according to Ag & Markets law then it is charged, if it does receive an Ag. & Markets exemption then it is not charged.

Visitor Joe Montesano Avon Genesee Road, questioned if other properties just South of Fowlerville Road will be required to pay the fees. Supervisor LeFeber stated those homes were already in the water district and are not a part of the Route #39 extension and would not have a unit charge. All three of those customers did paid hook-up fees.

Visitor Jill Regan thanked the Board for providing real water.

**OPEN – PUBLIC HEARING – SPECIAL UNIT CHARGES-continued**

Visitor Mrs. Hanna South Avon Road questioned what was going to happen with the contingency dollars. Supervisor LeFeber stated the Board approved the purchase of eight inch water line that would be installed at some point in the future.

Visitor Bill Combs questioned the safety of the water as there were issues with turning the water on because of failed tests. Water Superintendent McKeown stated that two consecutive tests passed prior to turning on the new lines. Annually fire hydrant are flushed and scheduled testing is completed and reported to the Livingston County Health Department. The water comes from Conesus Lake.

Supervisor LeFeber stated that \$488,000.00 is being paid through grants and \$212,000.00 is receiving a low interest rate to be paid by extension customers.

**RESOLUTION #153 CLOSE HEARING SPECIAL UNIT CHARGES**

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Mairs)

RESOLVE to close the unit charges hearing with no changes.

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

**OPEN – PUBLIC HEARING – 2011 BUDGET HEARING**

Supervisor LeFeber opened the public hearing at 8:20 P.M. by reading the following legal notice:

TOWN OF AVON  
NOTICE OF PUBLIC HEARING ON THE  
PRELIMINARY BUDGET OF THE TOWN OF AVON  
For the year 2011

NOTICE IS HEREBY GIVEN that the preliminary budget of the town of Avon for the fiscal year beginning January 1, 2011, including general town funds, drainage and light district funds, will be completed and filed in the office of the Town Clerk of the Town of Avon, 23 Genesee Street, Avon, New York 14414, the tentative budget is available and the preliminary budget will be available for inspection by any interested person during office hours, Pursuant to Real Property Tax Law Chapter 258 & 495, an exemption report is attached to the preliminary budget and includes every type of exemption granted by the taxing authority and the cumulative impact of each type of exemption, the cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services, and the cumulative impact of all exemptions granted. The

**OPEN – PUBLIC HEARING – 2011 BUDGET HEARING-continued**

Town Board of the Town of Avon shall hold a hearing on said preliminary budget on November 4, 2010 at 7:30 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Town of Avon. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained. The following are the proposed 2011 salaries of Town of Avon ELECTED OFFICIALS:

Supervisor	\$12,000.00
Councilman (4)	\$4,700.00
Town Justice 1	\$11,783.00
Town Justice 2	\$11,221.00
Town Clerk	\$32,251.00
Highway Superintendent	\$69,000.00

By Order of the Town Board  
 Sharon M. Knight, CMC/RMC  
 Avon Town Clerk  
 Publication Date: October 21, 2010  
 & October 28, 2010

Supervisor LeFeber began the discussion stating that since the preliminary budget was drafted additional information was received from Assessor Snyder and Livingston County Real Property Director Joseph Pukos. The hearing was left open to allow for further discussion and consideration by the Town Board.

**DISCUSSION – BUILDING USAGE**

Supervisor LeFeber open the discussion on a request from Attorney Sciarrino regarding renting space. Assessor Snyder had reported that approximately \$800.00 per year would be added to the tax roll if the area were to be rented. The Board will continue discussion at a future meeting.

**DISCUSSION – LANDMARK SOCIETY AWARD**

Supervisor LeFeber reported on the award that would be presented by the Landmark Society. A list of names and titles were provided as requested by the Landmark Society. Deputy Supervisor Cole also invited Jim Biondolillo and BERO Representative Kevin Trout.

**DISCUSSION – PURCHASING RESOLUTION**

A draft resolution was presented to the Board members in attendance regarding purchasing. by Deputy Supervisor Cole. Discussion will be held at a future meeting.

**DISCUSSION – CORRESPONDENCE FROM ED AND CANDIE ADAMCZYK**

Supervisor LeFeber read the following letter from Ed and Candie Adamczyk as follows:

2711 Avon-Geneseo Rd.  
Avon, New York 14414

October 27, 2010  
Avon Town Board  
23 Genesee Street  
Avon, New York 14414

Dear Board Members:

We would like to express our appreciation for all your efforts in the procurement of water for Route 39. The professionalism and determination exhibited during this long process show us that our Town Board truly serves the residents of Avon. This will be remembered in future elections!

Having access to town water has not only eliminated a huge inconvenience, but the health issues with the quality of our water. Thank you for your concern and hard work!

Sincerely,

Ed and Candie Adamczyk

**DISCUSSION – OPEN ITEMS**

Deputy Supervisor Cole spoke about a request from Chuck Puls for a latch for the door to the Avon Preservation & Historical Society. He stated that he would be sending an e-mail to Richard Burke as it seems that the Historical Society is always unhappy. Supervisor LeFeber stated we do not have a written agreement and they do not have to stay in the building.

Highway Superintendent Ayers stated that he has received notification that the health plan we currently have will no longer exist after January 31, 2011. Supervisor LeFeber thanked Mr. Ayers for letting the Board know as the Board had not been contacted.

On motion of Councilman Blye, seconded by Supervisor LeFeber, the meeting adjourned at 9:05 P.M.

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