

A Regular Meeting of the Town of Avon was held on Thursday, September 23, 2010 at 5:30 P.M. at the Avon Highway Department with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole (arrived at 6:00 P.M.), Councilman Donald Cook, Jr., and Councilman James Blye

ABSENT: Councilman Tom Mairs

OTHERS: Highway Superintendent Robert Ayers, Water Superintendent Daniel McKeown, Code Enforcement Officer Anthony Cappello, and Town Clerk Sharon Knight (left at 8:30 P.M.)

VISITORS: Visitors Ray Sciarrino and Richard Steen

Supervisor LeFeber read the following legal notice:

Town of Avon
Legal Notice

RESOLVE that the regular meeting for the September 23, 2010 meeting is changed to begin at 5:30 P.M. and the meeting place will be at the Avon Highway Department Barns, 5390 Agar Road, Avon, New York 14414.

By order of the Town Board, Town of Avon, Livingston County, New York

Sharon Knight, CMC/RMC Avon Town Clerk
23 Genesee Street
Avon, New York 14414

Dated: August 12, 2010
Publish: September 9, 2010

DISCUSSION – HIGHWAY DEPARTMENT TOUR

Highway Superintendent Ayers provided everyone in attendance a tour of the Highway Barns. Highlighted items included the following purchases:

	Amount Paid	Value
Two tool kits	\$30.00	\$1058.00
Trailer Load Rite	\$200.00	\$4500.00
Rotary mower JD609	\$100.00	\$2000.00
Forklift Hyster 10,000 lbs.	\$1000.00	\$42693.50
Street sweeper Johnson Vanguard	\$1200.00	\$89970.00
Three hydraulic floor jacks	\$125.00	\$1838.00

Highway Superintendent reported that there has been discussion on having a joint fuel storage for the School/Village/Town and that he is not in favor of this. He does not see any benefits for the Town. New regulations are likely to add substantial costs to develop a joint storage area.

DISCUSSION – VISITOR ATTORNEY RAYMOND SCIARRINO

Supervisor LeFeber welcomed Attorney Raymond Sciarrino to our meeting and he addressed the Board regarding his interest in expanding his business by renting space from the Town of Avon. Currently, he has locations in Perry and Mt. Morris.

The Board responded to his request stating they have not yet made a decision regarding renting the space. Other issues include advertising the space and the need to investigate if the space would be put on the tax roll. It was estimated that a two month time frame would be needed before the Town Board would be ready to take action.

Attorney Sciarrino was willing to wait for their decision.

DISCUSSION – VISITOR RICHARD STEEN

Visitor Richard Steen addressed the Board regarding the approximately \$30,000.00 that has been held by Pooler on behalf of the Town. He would like to install water lines. Attorney Campbell will review to make sure the monies continue to be available as normally there is an expiration date on the letter of credit. He will report at the next meeting.

RESOLUTION #129 APPROVAL OF MINUTES

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

ADOPTED AYES 3 NAYS 0 ABSENT 1 (Councilman Mairs) ABSTAIN 1 (Deputy Supervisor Cole)

RESOLVE to accept the minutes of September 9, 2010 as presented.

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

DISCUSSION ATTORNEY REPORT

Attorney Campbell reported he is working on the following:

Finalizing the documents need for accepting dedication of the roads in the Royal Springs Development.

Developing a contract agreement for electrical inspectors regarding the recently adopted local law.

Supervisor LeFeber questioned the Board's ability to have different salaries for Town Justices. Attorney Campbell will review and report back.

DISCUSSION ATTORNEY REPORT-continued

Supervisor LeFeber reported that he received a phone call from Helge Heen and that Mr. Heen is reconsidering changing his offer to the Town that was presented at the last regular town board meeting.

There was discussion on the change to the Avon Town Code referring to LED signs.

Attorney Campbell addressed the Board providing them with an update on the progress with LeClaire-Fleming. All items seem to have been resolved. When the documents are completed, they will be provided to the Town Clerk.

RESOLUTION #130 CHANGE ORDER #3 LECLAIRE FLEMING

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to authorize Deputy Supervisor Cole to sign LeClaire Fleming change order #3 and to act as Escrow Agent to sign the final contract application.

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

DISCUSSION HIGHWAY REPORT

Supervisor LeFeber thanked Superintendent Ayers for showing the Board around in the Highway Department.

Highway Superintendent Ayers reported on the following:

According to Highway Law, Section 142 (3) the inventory of Highway Machinery, Tools and Equipment was provided to the Town Board and Clerk as follows:

(The items highlighted in red are recommended to purchase in 2011.)

RESOLUTION #131 AUTHORIZATION TO PURCHASE HIGHWAY EQUIPEMENT

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Coucilman Mairs)

RESOLVE to authorize the purchase of a Harder Sander Model E144 with money in the equipment fund.

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

DISCUSSION CODE REPORT

Code Enforcement Officer Cappello reported on the following:

He has received the New York State Code books that will replace the current books as of December 14, 2010. The major changes are in the electrical area. He also reported that he will be at Code School next week.

DISCUSSION ENGINEER REPORT

Engineer Rock made two recommendations and the Board took the following two actions:

Accept a change order that would allow for a wish list to be completed and then have it approved by Rural Development for implementation.

In the Engineer agreement there was \$10,000.00 budgeted as contingency that was not needed. Those dollars could be turned over to the project wish list. The maximum about to be spent will be \$13,000.00.

RESOLUTION #132 APPROVAL OF D. E. TAROLLI INC. CHANGE ORDER – ROUTE #39 WATER DISTRICT PROJECT

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to accept D. E. Tarolli Inc. change order #1 for the Route #39 Water District Project.

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

RESOLUTION #133 AMENDMENT TO THE OWNER-ENGINEER AGREEMENT – ROUTE #39 WATER EXTENSION

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to authorize Supervisor LeFeber to sign an amendment to the owner-engineer agreement as the original fee projections included a contingency (unforeseen tasks) with a value of \$10,000.00. As no unforeseen tasks were needed for the project, this contingency is removed from the engineering fee schedule (Form E,B,g) and moved to the project contingency (Form E,D).

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

DISCUSSION – ENGINEER REPORT-continued

Copies of the approved documents will be filed with the Town Clerk.

The water tests for the Route #39 water extension have passed accept for the last three homes. Water tests will continue to be taken after flushing 700 gallons of water per minute.

DISCUSSION WATER REPORT

Water Superintendent McKeown reported on the following:

There is the need to verify when D. E. Tarolli Inc. are going to come back to complete the punch list. To date no payments have been made.

Harper Park water usage has returned to normal readings.

The water bill from the Village continues to be an issue. Conversion from the Village measurement to the Town measurement has never produced a matching usage number. The procedures we have in determining our costs from the Village are questioned as Five Lot Lane has never been lower than 1.4 million until this time. If there is slippage in the area we are covering that slippage.

RESOLUTION #134 PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to accept for payment the following:

RESOLUTION #134 PAYMENT OF BILLS-continued

Concerning ABSTRACT of Claims Number 2010-18 including claims as follows:

General Fund	Voucher #456 through #472 in amounts totaling \$3,848.96
Highway Fund	Voucher #214 through #222 in amounts totaling \$38,320.04
Water Fund	Voucher #155 through #158 in amounts totaling \$3,340.52
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
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	Voucher #4 through #5 in amounts totaling \$16,824.13

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

**RESOLUTION #135 ACCEPT THE AUGUST MONTHLY BUDGET REPORT
OF SUPERVISOR LEFEBER**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to accept the Supervisor's August monthly report.

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

DISCUSSION – NEW RETIREMENT REQUIREMENTS

Town Clerk Knight reported that the New York State has contacted her office as the resolution adopted by the Board recorded both the Assessor and Water Superintendent as keeping time sheets and completing calendars. If time sheets are kept then calendars should not be used. Water Superintendent McKeown does not use time sheets and it will be determined if the Assessor is using time sheets. Continued discussion will take place at the next meeting.

DISCUSSION – TENTATIVE BUDGET FOR THE TOWN

Supervisor LeFeber reported on the following:

Twenty people applied for the position that was advertised as a Deputy Town Clerk although the position should have been advertised as clerk to the Town Justice. Mary Blye contacted all of the applicants and only one has withdrawn.

A request was received from the Historian to have the wall in her office painted and then have the file cabinet pushed back against the wall. The repair is needed from the water leak.

There was discussion on a virus getting into the Supervisor's Secretary/Water Clerk/Personnel Clerk's computer. Supervisor LeFeber was contacted to approve a wire transfer. The Town was not making that transfer and their security check stopped the transfer. Sonic Wall will be used in the future.

He presented the Town Clerk with his Tentative Budget as follows:

INSERT

DISCUSSION – 2011 TENTATIVE BUDGET

There was continued discussion on the 2011 Tentative budget.

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

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

And

Kelly Cole, Deputy Supervisor