

A Regular Meeting of the Town of Avon was held on Thursday, January 27, 2011 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: Attorney James Campbell, Town Engineer Timothy Rock, Highway Superintendent Robert Ayers, Water Superintendent Daniel McKeown, Code Enforcement Officer Anthony Cappello, and Town Clerk Sharon Knight

VISITORS: Jeff Ayers, Jeremy Batzel, Janis Cole, Helen Zamboni, M. L. Sovereign, Village Trustee Mark McKeown and Kim Quinlan

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

Pledge of Allegiance

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

RESOLUTION #21 APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes December 30, 2010 as presented.

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

RESOLUTION #22 APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes January 3, 2011 as presented.

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

DISCUSSION – APPROVAL OF MINUTES

Councilman Cook requested that additional discussion be added to the January 13, 2011 minutes regarding health care. The discussion was lengthy, however; just a couple of sentences would be appreciated. Town Clerk Knight agreed with his request and will make the additions. The Board will consider approval of the minutes at the next meeting.

DISCUSSION – APPROVAL OF MINUTES

Deputy Supervisor Cole stated he requested Town Clerk Knight to review her audio recording for the December 9, 2010 meeting as he does not believe that the minutes are correct regarding his discussion.

DISCUSSION – ATTORNEY REPORT

Attorney Jim Campbell reported on the following:

All documents for the dedication of four roads in the Royal Springs Development are complete. The next step is for the Board to consider approval. Highway Superintendent Ayers stated that each road needs to be accepted individually. Additional road will be considered in the future. The Board took the following action:

RESOLUTION #23 ACCEPT DEDICATION OF ATHENA COURT

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept dedication of Athena Court in the Royal Springs Development, Phase 1, and Section 3 and authorize the Attorney to file the necessary documents and provide them to the Town Clerk.

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

RESOLUTION #24 ACCEPT DEDICATION OF TASO RUN

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept dedication of Taso Run in the Royal Springs Development, Phase 1, and Section 3 and authorize the Attorney to file the necessary documents and provide them to the Town Clerk.

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

RESOLUTION #25 ACCEPT DEDICATION OF YANNI COURT

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

ADOPTED AYES 5 NAYS 0

RESOLUTION #25 ACCEPT DEDICATION OF YANNI COURT-continued

RESOLVE to accept dedication of Yanni Court in the Royal Springs Development, Phase 1, and Section 3 and authorize the Attorney to file the necessary documents and provide them to the Town Clerk.

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

RESOLUTION #26 ACCEPT DEDICATION OF ELENI COURT

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept dedication of Eleni Court in the Royal Springs Development, Phase 1, and Section 3 and authorize the Attorney to file the necessary documents and provide them to the Town Clerk.

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

DISCUSSION – ATTORNEY REPORT

Attorney Campbell reported that he had a call from someone interested in purchasing property for a trucking business on Wolcott Drive. The Board appeared to agree that this type of use of the property was envisioned by the Town when it was zoned.

The following letter was sent to Gary Pooler:

KRUK & CAMPBELL, P.C.
ATTORNEYS AT LAW

7312 EAST MAIN STREET
P.O. Box 30 - A
LIMA, NEW YORK 14485
(585) 624-5030
FAX (585) 624-3972

Stephen M. Kruk
James W. Campbell, Jr.

RECEIVED

JAN 27 2011

SPARKIN M. KNIGHT
TOWN CLERK / TAX COLLECTOR

-Associate-
Andrew F. Emborsky

January 27, 2011

Gary L Pooler
Pooler Realty, LLC
783 Wangum Road
PO Box 436
Fishers, NY 14453

Re: Wolcott Drive and Starkey Drive - Avon Industrial Park

Dear Mr. Pooler:

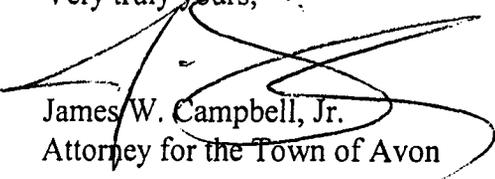
I am writing to you on behalf of the Town of Avon. The Town Board has asked that I contact you in an effort to generate some discussion with regard to the uncompleted road work for Wolcott Drive and Starkey Drive in the Avon Industrial Park.

As you are aware, the Town is the beneficiary of a Subdivision Bond for the completion of the above roads to the Town's design criteria. The Subdivision Bond continues to be in full force and effect until the time that such road work is completed to the satisfaction of the Town.

The amount of the Subdivision Bond is likely no longer adequate to complete all of the improvements that you are obligated to make. Before executing on the Bond and/or looking at other options to complete the work, the Town would prefer to work with you and the other principals of Pooler Realty, LLC (even if that entity no longer exists) to find an appropriate solution and time line to have the work completed.

Please call me at your convenience so that we may discuss this matter.

Very truly yours,


James W. Campbell, Jr.
Attorney for the Town of Avon

JWC/J

pc: Avon Town Board

**DISCUSSION – VISITOR KIM QUINLAN – AVON LION/ROTARY
AMBULANCE CONCERNS**

Supervisor LeFeber had reported that he was invited and attended the meeting.

Supervisor LeFeber welcomed Visitor Kim Quinlan and questioned if the Town of Avon is required to have a Memorandum of Understanding with the Ambulance. He stated the ambulance is supported by the Lions and Rotary Clubs. Although he has not been aware of any requirement of the Town, the question has now been raised and he would like to answer it correctly.

Visitor Kim Quinlan presented the following letter to the Board:

Avon Town Board: Thursday, January 27th, @6:30pm

I requested to be on the agenda of your meeting for the sole purpose of making you aware of some things that have been happening within Avon Ambulance. This is not a request for any assistance, just a chance to inform and let you draw your own conclusions from there.

I go back to last summer when the Avon Ambulance Board of Directors decided to fire our BLS Captain, Judy Milliman. In the past 3 years the Board has become more and more involved in the operational aspect of the agency. And that has proven to be detrimental to the equilibrium of Avon Ambulance. In their July Board meeting when they fired the Captain they also threw out our by laws. They decided they were going to hire a Operations Manager and let the new manager write new by laws. What they didn't realize was that it is illegal to operate without by laws in place. There must be new ones to replace the existing ones. And one of the ambulance Board members is an attorney specializing in corporate law.

The hiring committee to find a Operations Manager consisted of Bill Shaw, Board President, Jan Cole, Board Secretary and Tom Bartolini the Business Manager. Part of the job description said it had to be a paramedic who would staff the ALS fly car and provide care 3 days a week. Said person would receive a salary of \$42,000 per year. 6 resumes were received. The members of the ambulance service had been hopeful that one of 3 of those would be chosen. Donna Bailey was but she turned down the offer. Jason Bortle turned it down as well. And Rommel Kirchoff was never offered the job. So that left the last 3. One applicant was from out of state and I don't believe he was offered the position and the other withdrew his resume. That left Margie Pfuntner Delena.

Margie started with Avon the middle of October, just 3 months ago. I remember Margie as a paramedic with Monroe EMS from 20+ years ago but she had not been active in the field in over 10 years. And I recall her having a rocky past with Monroe, always unhappy about something and always involved in conflict. In her first week in Avon I ran into her just after a few days after she took the position. At that time I was the Scheduling Manager for the members of the agency. I was told our medical director wanted to take a slow approach to Margie assuming the position in Avon. It was relayed to me that she would not have computer access to our schedule or EMS Charts until he gave the clearance. Margie requested I get her set up with an account on our scheduling software that day. I explained to her that as soon as Dr Shah gave me the okay I would be happy to put her on. She was clearly upset and stated to me "I am the

Operations Manager you do realize". It's my opinion that the hiring committee should have at least consisted of a paramedic or possibly even our medical director, someone with EMS knowledge and background to make an intelligent and educated decision as to who would be best suited for this position.

Also in her first week, Margie cancelled a CPR class that was arranged prior to her hiring. She said it didn't have Board approval and they weren't going to pay the cost of the CPR class. We had 4 providers that needed recertification to be able to still work the road. She said she would take the request to the next Board meeting to see if they would approve. That would have been too late and our cards would have expired. My son Christopher was the BLS Operations Officer. He and Bob Wiard and Rommel Kirchoff managed the operations in the interim after the expulsion of the Captain and until a operations manager could be found. We were asked to retain the positions assigned to us until the Operations Manager became acclimated to her new position. Christopher made some phone calls, and when he spoke with Donna Bailey she arranged for the drivers and medics from Avon to be included with Caledonia in a class just a few days away. They were only going to charge us the \$3.00 cost of the cards. We are registered as a rapid recertification agency. Which means there is supposed to be a kickback of funds used only for training purposes. It is illegal to use the money for any other reason. I questioned our business manager then on where those funds might be, I have yet to get an answer to that question even today.

Every fall we have provided an ambulance and personnel to standby at the football games for Avon Central School. For whatever reason the Board decided this year they were not happy about us covering the games and decided they would not pay us the standby fee of \$10 each. I scheduled members to cover all of the games from Varsity right down to Youth Football, and all were aware they were volunteering their time. No one had an issue with volunteering. Not only did the Board not support our school or the kids, but they vowed that next season the school would be approached and a contract requested and they be charged for our services. This was a sore spot for me. I am a huge advocate of our school sports programs and our kids. But in the end our business manager made sure he compensated us for the games this season as he too felt we should support our school and the kids.

Our older ambulance was having mechanical issues and at the end of September it went to Jimmy's Sales and Service. Bob Wiard called Geneseo and asked if we could borrow their 3rd rig until Jerry Scaccia could figure out what the problem was. We were able to borrow Geneseo's ambulance for 2 weeks. Jerry found the problem and quoted a price to make the repairs. Margie went to Jimmy's Sales and Services to discuss this. As a result, Jerry Scaccia phoned Bob Wiard and told him he would "never deal with that woman again". When Bob spoke to Bill Shaw about Margie's confrontation with Jerry he just laughed and said "Jerry will have

to learn to deal with Margie". Margie would not authorize the vehicle to be repaired. Jerry also mentioned that the rig had bald tires and would not pass inspection. She refused to replace the tires and said we would just put it in service in the secondary spot. Many of us refused to use the rig if it was placed in service with bad tires. So for 2 1/2 months we were limited to only 1 ambulance until they recently paid to have it repaired and new tires put on. But in that time frame Margie told the Board we weren't losing very much money being down to one rig and we had only dropped a couple of calls. What she didn't tell them was we don't generate a run number when our calls go automatic mutual aid because we don't have a second rig in service. So as I told Board member Don Mastin, "she's snowing the Board". We dropped a lot more than a couple of calls. And Margie has mentioned that in order to boost call volume and make more money we need to start jumping the calls of our neighboring districts. That was not something I wanted to have any part of.

As you know we moved into the new building on Lake Road the first week of November. Geographically the new base sits in the middle of our district. But it didn't sit in the middle of where our largest call volume was, we needed to remain in the village. But it was more space so we tried to be positive. Ernie and Joanne Wiard and Larry Stella and I spent a great deal of time up there over the course of 3 weeks painting and cleaning and pulling weeds etc. Other members stopped in to help when they could. But the 4 of us put in a good number of hours getting the new place ready. Don Mastin told us to get some appropriate things to hang on the wall and make the building our own. We had a great time together working on it. I sent letters to surrounding agencies in Livingston and Monroe County and requested patches from each organization. I put together a shadow box and placed the patches in it. I hung it on the wall in the new base only to find it taken down the next day. Margie had removed it and locked it up in her office. I requested it back and when I went to retrieve it it was in my gear locker with a note attached from her. It read "this is a business and will be run as such. Nothing will be hung on the walls without my prior permission, and you need to schedule an appointment to discuss this". I never scheduled any appointment, there seemed no point. Any meeting I've ever had with the Board has left me feeling like I wasted a huge amount of my time. Others that had met with Margie said it was even worse with her, like they were banging their head against a brick wall.

Prior to Margie's entrance into Avon, and at the Boards request, we had formed a *New Ambulance Committee* to start working on the specs for a new ambulance. A couple of weeks after Margie started working here my son had contacted a couple of vendors and also asked Lima, Livonia and Honeoye Falls to bring their newer rigs over so everyone could take a look. I posted a message through our scheduling software indicating the date and time so that anyone that was interested could come. Margie was livid. "under whose authority" was her

comment and then when a vendor called to confirm she rudely told him "Avon will not be buying a new ambulance". When the driver from Lima drove their new rig over for us to look at he was met in the driveway at base by Margie and told to leave. She denied to the Board making that comment to him or being rude with the vendor that had called to confirm. We apologized for her behavior, and the driver from Lima was kind enough to stay so we could look at and ride in their new rig. Livonia and Honeoye Falls also came so we could take a look as well. The Board told the committee to continue to look at new ambulances. When Margie was informed of that decision she expressed to the committee that none of us would present anything to the Board. She wanted the facts and figures left on her desk and she would handle it from there. All 6 of us resigned from said committee.

There has been a meet and greet reception for the new Operations Manager as well as a holiday party for the ambulance members held in the past couple of months. Out of 40+ members only 2 or 3 showed up to either event. And that building that was purchased seemed like the ideal place for on duty crews to gather because we now had so much space. Not the case, most prefer to stay away, those that do stay are from out of town.

With regard to our new building a lot of us are still scratching our heads wondering how we ever obtained the certificate of occupancy. To the best of our knowledge there is no firewall between the bay area and the offices and lounge area. The oxygen cascade system is set up next to the heating element in the bay area and there is no oil separator. Only one drain was put in the bay area floor and the DEC was told we don't use soap to wash our ambulances. We have always used soap. A month after we were in the building I asked Don Mastin where the smoke and CO detectors were. He said they were sitting down at New Way Equipment still but they had been purchased. And there is still the odor of sewer gas that lingers in the one bunk room where the full bath is attached. The building was left unsecured for at least 7 weeks. They wanted to install a key pad system. They didn't want to spend the money to buy 40 or so keys to get by in the meantime, so the building remained unlocked at all times. I can't tell you how unnerving that was at 2 in the morning when I sat there alone writing a patient chart after a call and my driver had already gone home. Not to mention the opportunity it gave someone to come in and take anything and everything.

In November Bob Wiard resigned his position as Operations Coordinator and I resigned as Scheduling Manager. Margie claimed to call Christopher multiple times to discuss operational issues and states he never returned any of her calls. He had no missed calls from Margie. But she replaced him as BLS Operations Officer and reinstated the Captain that the ambulance Board fired in July to his position.

In December Margie purchased surveillance cameras and had them installed without informing us. She was convinced we were stealing supplies. Don Mastin is now the acting President in Bill Shaw's absence while Bill spends several months in Florida. I have had a couple of conversations with Don since Margie assumed her position. At his request as he wanted to be kept informed. He said he had an open door policy and he knew it took all of us to make the ambulance run like a well oiled machine. I thought he was someone we could count on and we could share our concerns with. The Board members have consistently never shown us any respect for the job we do. During my second conversation with Don he told me to "give it time with Margie, I think all of you are just having trouble with the transition". I told him it wasn't the transition, it was the choice. He told me Bill Shaw told him Margie had an impressive resume. I heard about Margie's resume when she applied for the Livingston County EMS Coordinator's position. And I was told there were a couple of discrepancies discovered on it. Margie claims an open door policy also, sends messages to all indicating she wants input. But when it comes time to make good on all she says it definitely becomes a case of it being her way or the highway. She is a micro manager.

In the past few weeks Margie has just been allowing some members to drive or medic with no formal clearing process, including herself. A couple of the medics told me she left them a voice mail indicating they were cleared. Neither of them want to be or feel comfortable functioning as a cleared EMT. And she cleared a driver that should have never been cleared. A couple of weeks ago he almost rolled the ambulance at the 390/590 split when he went into the curve too fast. Margie's decisions are going to get someone hurt or may even cost someone their life.

Margie has had altercations with several members as well as our medical director. None of those members have faced termination. But our medical director did resign his position effective March 1st, 2011. And with that resignation followed a letter from the Strong Health System indicating there would be no medical support given to Avon Ambulance from either Strong or Highland. The new medical director was obtained through Unity Health. And her actions that have bordered on illegal also caused our Chief Paramedic to surrender narcotics and resign his position in Avon. The ALS program was inactive for several weeks. The Chief Paramedic had to take some drastic steps to protect himself and the residents of Avon. She has gone into Monroe and Rural Metro EMS services and started to build membership and retain employee's from those that work in the city. And there has never been an altercation between Margie and myself or she and Christopher. There was never any insubordination, no letter of warning in my personnel file or in Christopher's for that matter. But on Friday January 7th my son and I found ourselves terminated

from Avon Ambulance with no warning.

I first joined Avon Ambulance in 1989. And Christopher was just starting his 7th year of service. We are both EMT/Driver's and have served as Officers as well as were part of several committee's through the years. So out of the blue we are both told we were "terminated effective immediately". Margie met with me first, and then an hour later with Christopher. But we were both told the same thing. Even upon termination there was no confrontation. We each asked for the reason why and we were each told the same, "I don't have to give you a reason, your services are no longer required". I left immediately, her parting words to me were to remind me to return my uniforms and my pager by the following Wednesday the 12th or face legal action. My son told her he fully expects us to receive letters indicating we were terminated with no reason given and under her authority. Margie has very little credibility in this county or in Monroe County as we are finding out. We didn't want this to affect us if we should decide to seek future employment. She sent us certified letters a few days ago, but all it states is that it confirms our termination and it warns us that we are not allowed on Avon Ambulance property. In fact, when I went to the post office a week ago to pick up my certified letter Margie was ahead of me in line. She was arguing with the clerk at the counter about something as I walked in the door. It was that display that made a small part of me feel relieved I don't belong to Avon Ambulance any longer. I spoke with Don Mastin again yesterday requesting those letters to Christopher and I indicating we were fired with no reason given. He said the Board reviewed the NYS labor laws recently, Margie had requested full authority to hire and fire personnel with no interference. The Board has agreed and per Don they are keeping an arms length away from the ambulance operations and allowing Margie total control. He told me to continue to pursue getting the letters we are requesting with her directly. I don't blame Margie entirely for all of this. I hold the Board accountable as well, they are the ones that hired her and have let her run rampant.

We have 2 members that have functioned as liaisons to the Board. She sent one of them an email the day after we were terminated and warned him not to discuss anything ever with either Christopher or I or he would face the repercussions. Just prior to our termination one of the drivers submitted his resignation earlier that same day. He had verbally as well as through emails argued with Margie over the operational decisions being made. The Board fails to see any significance in all that has happened. And she is pushing people out and replacing them with those that will be subservient. It fills me with a great deal of sadness to think that the community of Avon is slowly losing ambulance members that reside in the same community with them and know them. We have seen patients that often times welcome the familiar face and the reassurance it offers when they are feeling at their worst.

In addition to contacting Dave LeFeber to ask him if I could come here today, I have also already met with the East Avon Fire Department Commissioners and Fire Chief as well as the Avon Village Board. I also contacted the Avon Rotary Club President and the Avon Lions Club President. They responded back via email that neither were interested in listening to what has happened and referred me back to the Avon Ambulance BOD to discuss with them instead. And the Avon Ambulance BOD tell me to discuss with Margie.

Since arranging to be on several agenda's to speak I have been informed that a couple of other members of Avon Ambulance have since resigned. And there have been issues with the newly appointed ALS Chief and his demeanor with fire and law enforcement on the scenes of calls. When that was addressed it was mentioned by Margie that one ambulance is staffed 100% of the time with paid employee's. And the second rig is staffed 50% of the time with paid employee's. And that it is her goal to have new ALS equipment and 2 paramedics running at the same time 24/7. Avon doesn't have the call base to support that kind of increase in payroll.

As I stated in the beginning, I'm not asking for any assistance from you with this. This was just for the purpose of passing along some information, making the community, boards and organizations aware of what is transpiring within this vital service. But I do ask you to think of one thing. I remind you that you have the right to choose the ambulance service that provides medical care to the Town of Avon residents. Please think long and hard about that part of it as I fear the decisions this operations manager has made and will no doubt continue to make. I worry about the devastating effect she will have to those that count on it the most.

In closing I would just like to thank you for allowing me to come here and speak to you, and to let you know it has been my privilege to spend so many years taking care of anyone that needed medical attention in the Avon district. This is something I will truly miss.

Thank You,
Kim Quinlan

**DISCUSSION – VISITOR KIM QUINLAN – AVON LION/ROTARY
AMBULANCE CONCERNS-continued**

Supervisor LeFeber asked if the Board had any question as she was here to answer any questions the Board may have and there were none. In 1994, the business structure was changed but both the Lions and Rotary Clubs continue to support the Avon Ambulance.

Attorney Campbell stated that if the Town was contributing to the ambulance than there would be a need for a Memorandum of Understanding. As the Board is not aware of any contributions then the question will need to be researched.

Supervisor LeFeber stated that other Towns in Livingston County do have agreements with the ambulance that service their communities.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Robert Ayers reported on the following:

Bids were open on Tuesday January 25th @ 11AM for a new 2010/2011 - two wheel drive tractor. Two bids were received one from Z&M AG and Turf in the amount of \$45, 408.00 and the other from Lakeland Equipment in the amount of \$46,423.54. The difference being about \$1,000.00 is recommended to accept the lower bid. Although he would like to purchase from Lakeland Equipment, they did to sharpen their pencil. The Board took the following action.

**RESOLUTION #27 ACCEPT THE BID FROM Z&M AG AND TURF FOR THE
PURCHASE OF A 2010/2011 TWO WHEEL DRIVE TRACTOR**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the bid from Z&M Ag and Turf for the purchase of a 2010-2011 Two Wheel Drive Tractor as the lowest bid.

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

HIGHWAY REPORT – CONTINUED

Highway Superintendent Ayers stated that since he will be retiring this year he would like to know the Boards intension of pay for the unused vacation, sick and other time not used. He worked for the Town as a Motor Operator for 17 years and then as Highway Superintendent for 18 years. He has always given 110 percent and has not been away for more than a day except for the trip to Cape Code in 1995. The sick days he used could be counted on his hand. Supervisor LeFeber stated that he believes the employee handbook

HIGHWAY REPORT – CONTINUED-continued

vacation is the same today as it was when he started but would need to review Town records to be sure. Supervisor LeFeber's secretary Mary Blye will review the records and Highway Superintendent will prepare a proposal. He requested the Board make a decision as soon as possible. The current handbook requires a two week notice and a buyout would be at the current rate of pay.

Snow removal continues and there are no major problems.

DISCUSSION – CODE ENFORCEMENT REPORT

Code Enforcement Office Anthony Cappello stated that the article in the *Livingston County News* makes his office look inefficient and gives them a negative appearance. . He commented on the bay area, oxygen being set up, that there is a fire wall, smoke detectors, and other claims made against his department.

Visitor Kim Quinlan stated that the smoke detectors were not in on October 28, 2010 and that although it was told to the New York State Department of Environmental Conservation vehicles would not be washed with soap they are in fact being washed with soap. Kim thanked the Board for their time.

DISCUSSION – VISITOR MIKE SOVEREIGN REPRESENTATIVE OF UNISON

Supervisor LeFeber welcomed Mr. Sovereign to the meeting. Mr. Sovereign provided the following written information for the Board:

RECEIVED

JAN 27 2011

SHARON M. KNIGHT
TOWN CLERK / TAX COLLECTOR

Sprint to start phasing out Nextel network in 2013

By Peter Svensson, Associated Press

NEW YORK — Sprint on Monday said it will start phasing out the Nextel part of its network in 2013, a decision that follows near-constant subscriber losses since Sprint bought Nextel in 2005.

The shutdown should be complete in 2015. Sprint, the country's third-largest wireless carrier, had said it would eventually shut down the aging Nextel network, but hadn't said when until Monday.

Nextel's signature feature is its fast push-to-talk function, which resembles a walkie-talkie. It once made Nextel popular with outdoor workers such as construction crews. However, the network doesn't support fast data transfers, making it unsuitable for smart phones. Sprint plans to offer Nextel subscribers a push-to-talk function on the Sprint network instead.

The Nextel network being phased out has been an enormous burden to Sprint. The company has been saddled with the cost of running two incompatible networks, contributing to constant quarterly financial losses since 2007. Nextel phones don't work on the Sprint network, and vice versa, though a few phones can use either network.

"The (Nextel) network and the associated customers have become something of a millstone around Sprint's neck in recent years, and finally having a roadmap for solving that problem is a big step forward," Ovum analyst Jan Dawson said.

Shares in Sprint, which is based in Overland Park, Kan., rose 33 cents, or 8.3%, to \$4.25 in afternoon trading Monday.

Sprint paid \$36 billion for Nextel in one of the worst corporate deals ever. Subscribers started fleeing soon after the deal closed because of poor customer support and network performance, leaving

Sprint to write down 80% of the purchase price three years later.

Nextel had nearly 18 million subscribers when Sprint bought it. Now, about 11 million subscribers use the network, and more than a third are relatively low-paying no-contract Boost Mobile customers. The Sprint network, meanwhile, has 37.8 million subscribers and is gaining new ones this year after some losses last year.

Sprint is promising a "second-generation" push-to-talk feature to take the place of its current Nextel offering. Radio spectrum to be freed up by the Nextel phase-out will help make that possible.

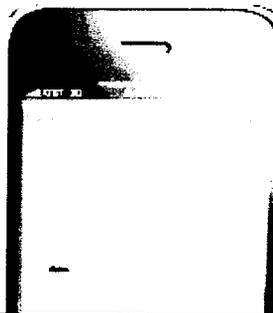
However, both Nextel and Boost Mobile customers will need new phones to use the feature. By putting off the phase-out until 2013, Sprint is allowing two-year Nextel contracts signed this year to expire before moving the subscribers over to Sprint's network, Dawson pointed out.

Sprint tried offering a feature called Nextel Direct Connect on some Sprint phones in 2008, but the initiative faltered, because the Sprint network wasn't quite capable of offering the split-second call connection speeds users had come to expect from Nextel.

The Nextel phase-out is part of a network modernization program announced Monday that will cost \$4 billion to \$5 billion. It is aimed at saving Sprint \$10 billion to \$11 billion over seven years. Sprint is hiring Alcatel-Lucent SA, LM Ericsson AB and Samsung Electronics Co. as the main vendors for the program.

Advertisement

AutoPilot



Presented by:



Apart from cutting costs, Sprint said the program will offer users better coverage to customers, particularly indoors, because it will start using the freed-up Nextel spectrum for Sprint phones. The program also sets Sprint up to introduce faster wireless broadband using fourth-generation, or 4G, wireless technology.

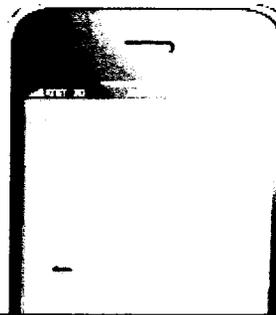
Sprint subsidiary Nextel Networks Corp. is already building a 4G network, but it's using a technology that the rest of the industry is eschewing. The modernization program gives Sprint the option to deploy a flavor of 4G known as LTE, or Long-Term Evolution, which is set to be the industry standard. Verizon Wireless opened up its LTE network to customers on Sunday.

Nextel's network equipment and phones are supplied nearly exclusively by Motorola Inc., which invented the underlying iDEN technology.

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AutoPilot



Presented by

DISCUSSION – VISITOR MIKE SOVEREIGN REPRESENTATIVE OF UNISON-continued

Attorney Campbell stated that the length of the lease was kept at a five-year term as the value may increase.

Councilman Cook stated that fifty percent is too high for simply marketing the towers, unless there is a guaranteed amount of payment. The question becomes if our site is good enough to bring in the business or do we need someone to market our site.

Mr. Sovereign stated that the purpose of tonight's presentation is to provide information.

DISCUSSION - ENGINEERING REPORT

Engineer Rock reported on the following:

Engineer Rock provided the County with the requested digitalized zoning GIS Map and the Town Clerk with the requested maps.

The following grant funding opportunities were provided:

There was discussion on Blue Rock supplying our electric energy and National Grid delivering the electric. The Town of Avon is currently on a high demand plan due to the amount of energy used during renovation of the Opera Block/Town Hall. We are working to get off the high demand as the cost for electric is higher. We switched to Blue Rock from NYSEC based on cost of energy. NYSEG refunded some money but would not give us a favorable rate as Blue Rock would.

DISCUSSION – WATER REPORT

Water Superintendent McKeown reported on the following:

Meter readings have been completed.

Some portions of the meters with high volume need to be replaced.

Supervisor LeFeber reported that the hydrant of Jones Lane is out of commission. Water Superintendent McKeown will have the hydrant replaced.

Supervisor LeFeber also reported that to date we have expended \$680,000.00 of the maximum \$700,000.00, on the Route #39 project. When the true balance is determined after all bills are paid we can think of installation of the additional pipe that was purchased on South Avon Road. The BAN for the project was paid off last Friday.

DISCUSSION CODE ENFORCEMENT OFFICER

Code Enforcement Officer Anthony Cappello reported on the following:

The outstanding inspections from Royal Spring have not been received.

Attorney Campbell and Code Enforcement Clerk Jennifer Sargeant are ready to bill for their time spent on the project.

A building permit was issued for the old Balconi building as Mr. Peter Bruckel is moving their corporate offices into the space. It was requested to have the road performance bond of \$36,000.00 completed by June 15, 2011 on Morgan Drive. Mr. Bruckel has been given all of the needed documents. It was suggested to protect the Town by having short time lines of completion and the road performance money high to protect against cost of materials increasing.

DISCUSSION - REQUEST TO EQUALLY CONTRIBUTE TO THE AMERICAN LEGION POST 294 AND THE VFW POST 5292

Supervisor LeFever reported that a request was made to change the financial contribution from the VFW Post 5292 to the American Legion Post 294 and the VFW Post 5292. This will be considered in next year's budget.

RESOLUTION #28 PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the payment of Abstract 2011-2 as follows:

General Fund	Voucher #27 through #50 in amounts totaling \$49,601.81
Highway Fund	Voucher #9 through #16 in amounts totaling \$6,578.45
Water Fund	Voucher #14 through #19 in amounts totaling \$18,018.96
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 #2 through #3 in amounts totaling \$14,760.49

RESOLUTION #28 PAYMENT OF BILLS-continued

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

DISCUSSION – RENTING OF SPACE

Deputy Supervisor Cole and Attorney Campbell will be following up with the possibility of renting office space and working on Building Policy and Procedure Plan to be adopted..

Questions are being received from electricians regarding changes in their codes and how the Town will be enforcing and who will be doing town electric inspections.

DISCUSSION – XEROX CONTRACT

Councilman Cook will be checking into the Xerox contract as requested by Supervisor LeFeber Secretary Mary Blye.

DISCUSSION – RECENTLY ADOPTED RESOLUTION

There was discussion on the recently adopted resolution regarding Opera Block/Town Hall employees report to the Town Clerk if they are not in attendance during their scheduled times. Further discussion determined that for emergency purposes an in/out board is needed. Deputy Supervisor Cole will purchase a board that will appropriately fit the décor of the Opera Block/Town Hall.

DISCUSSION – VISITOR JOSH WILLIAMS

Supervisor LeFeber asked for any public comments and Josh Williams stated the *Genesee Sun* is back and will not produce a paper but will be online. Within one week there have been 3500 hits.

RESOLUTION #29 – ADOPT NEW RESIDENT BROCHURE AND APPROVE PURCHASING 200 BROCHURES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to adopt the *New Resident Brochure* and purchase an additional 200 brochures.

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

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 8:07 P.M.

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