A Regular Meeting of the Town of Avon was held on Thursday, February 10, 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, Historian Maureen Kingston, Supervisor's Secretary/Water and Personnel Clerk Mary Blye, and Town Clerk Sharon Knight, CMC/RMC (left at 7:13P.M.)

VISITORS: Josh Williams, Owner of the *Genesee Sun*

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.

DISCUSSION APPROVAL OF MINUTES – DECEMBER 9, 2010

Deputy Supervisor Cole stated that he would like to listen to the tape prior to considering approval of the minutes for December 9, 2010. Town Clerk Knight stated she was confident in the minutes being accurate and that he was welcomed to review the tape. Supervisor LeFeber will put approval on a future agenda.

RESOLUTION #30 APPROVAL OF MINUTES

On motion of Councilman Mairs, seconded by Councilman Cook the following resolution was
ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of January 13, 2011 as presented.

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

RESOLUTION #31 APPROVAL OF MINUTES

On motion of Councilman Blye, seconded by Councilman Cook the following resolution was
ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of January 27, 2011 as presented.

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

DISCUSSION – ATTORNEY REPORT

Attorney Jim Campbell reported on the following:

New York State Department of State Representative Ray Andrews phoned and shared his concerns of our adopted Local Law 2-2010. He is questioning if the law is more stringent than the National or State Codes. We discussed the wording regarding National Grid as well as resources that would provide additional information to determine if changes should be made. Additional information will be provided at a future meeting.

Further investigation was completed in reference to identifying the role the Town of Avon in regards to providing ambulance support to the Town of Avon residents. The Rotary/Lions has provided for ambulance service for many years. The results are that as long as there is no support from the Town such as financial or other types of support, than there is not a requirement for any type of an agreement.

The following letter was read into the minutes.

March 24, 2011

David LeFeber, Town Supervisor
& Town Council Members
Avon Town Hall
23 Genesee Street
Avon, New York 14414

Re: Code Amendment Proposals

Dear Supervisor LeFeber and Councilmen:

At their regular meeting on February 1, 2011, Planning Board members discussed several code changes for recommendation to the Town Board. These code amendments have been discussed with Town Attorney Jim Campbell at past meetings and board members were under the impression that these recommendations would be brought to the Town Board for your action.

Members have asked that Town Code §130-11 C(7), which states that no accessory structure (in an Agricultural zoning district) may exceed 650 square feet of floor area, be changed to allow up to 1200 square feet of floor area. The existing code is too restrictive and has created numerous area variance requests in the last several years due to building permit applications for pole barn structures in this zoning district.

Additionally, it was unanimously agreed that a proposal to change the Avon Town Code Schedule A maximum allowable accessory structure height in an Agricultural zoning district (non-farm) from 12' to 18'.

While several other code amendments have also been requested by the Code Officers, the Planning Board, and Zoning Board of Appeals, the above changes will likely have the most immediate effect, saving the boards and numerous applicants both time and money. Board members would appreciate your immediate attention to these proposed code amendments prior to the upcoming construction season.

If you require further information, please feel free to contact me. Thank you.

Sincerely,

Robert Tugel
Planning Board Chairman

RT/jss

Attorney Campbell continued his report stated that there may be a need to address other legislation as well. The local law process will need to be followed with the scheduling of a public hearing. Further recommendations will be provided at a future meeting.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Robert Ayers reported on the following:

Minor problems have occurred with equipment and they have all been fixed.

Regular maintenance of vehicles requires that they are filled with fuel prior to parking.

Supervisor LeFeber reported that dry salt is available for $25.00 and would incur hauling costs.

DISCUSSION - ENGINEERING REPORT

Engineer Rock reported on the following:

Rural Development is requesting additional paperwork on the Route #39 Water Project. Confidential Supervisor's Secretary Mary Blye and Grant Writer Stuart Brown's office will be working together to complete.

DISCUSSION – WATER REPORT

Water Superintendent McKeown reported on the following:

He is working on replacing water meters.

A water customer in the Royal Springs Development will be attending the next Town Board meeting to discuss his water bill as 42,000 gallons was billed and he has a history of use of 11,000.

Supervisor LeFeber stated in the water contract the Water Works Committee is required to recommend a water rate in March. He encouraged Councilmen Cook and Mairs to schedule a meeting of the Water Works Committee.

DISCUSSION CODE ENFORCEMENT OFFICER

Code Enforcement Officer Anthony Cappello reported that the fire inspections are being completed by Code Enforcement Office Lee Rodamaker.

RESOLUTION #32 PAYMENT OF BILLS

On motion of Councilman Cook, seconded by Councilman Mairs the following resolution was
ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2011-2A in the following amounts:

General Fund	Voucher #27 through #49 in amounts totaling $49,566.81
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

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

RESOLUTION #33 PAYMENT OF BILLS

On motion of Councilman Blye, seconded by Deputy Supervisor Cole the following resolution was
ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2011-3 in the following amounts:

General Fund	Voucher #50 through #75 in amounts totaling $6,935.80
Highway Fund	Voucher #17 through #25 in amounts totaling $5,372.30
Water Fund	Voucher #20 through #31 in amounts totaling $4,244.40
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #2 through #2 in amounts totaling $1073.14

Cross Roads Drainage District	No Voucher
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire Protection	Voucher #1 through #1 in amounts totaling $387,805.00
Water Capital Improvement	Voucher #4 through #4 in amounts totaling $4,137.24

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

RESOLUTION #34 RECEIVE MONTHLY REPORTS FROM SUPERVISOR AND TOWN CLERK

On motion of Councilman Cook, seconded by Councilman Mairs the following resolution was
ADOPTED AYES 5 NAYS 0

RESOLVE to accept the Citizens Bank Commercial Account of Avon Lima Road Inc. Escrow Account in Favor of the Town of Avon and monthly reports for March from the Supervisor, and the Town Clerk Report as shown below:

Town Clerk January Report:

Total Local Shares Remitted:	**$970.25**
New York State Department of Health	**$ 67.50**
NYS Ag. & Markets for spay/neuter program	**$ 74.00**
NYS Environmental Conservation	**$103.93**
Youth Recreation	**$ 10.00**
Water Fees	**$210.17**
TOTAL	**$1,435.85**

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

DISCUSSION – SUPERVISOR'S REPORT

Supervisor LeFeber reported on the following:

The final payment for the Opera Block Grant is being processed according to Karen Ferguson from the Office and Parks & Recreation. The Empire State Development Representative has signed off. We should have all of the grant money by the end of March.

The Board appeared to be in agreement with Supervisor LeFeber to pay $35,000.00 during this fiscal year along with the interest that is due on the BAN for the Henty Road Water Project.

Unison opportunities were presented at the last meeting and after Board consideration they are not interested in the proposals. Companies know that the tower is located in East Avon and they like to work with municipalities.

Consideration of renting space at the Opera Block/Town Hall was discussed and included but was not limited to: the need to seek community input, the actual amount that will be collected and then applied to the property taxes, the type of usage, competition to downtown merchants and property owners, and the length of a contract. An advertisement will be placed on the *Genesee Sun – website* for a cost of $25.00 and an eighth page advertisement in the Penny Saver.

The results of the public water survey in South Lima and Bronson Hill neighbors were provided. A May meeting to inform participants of results has been scheduled. The Town of Livonia had more people interested than Avon and Lima. The cost continues to be high for our Avon residents.

At the March 10th Town Board meeting we will discuss along with the School and Village the School Resource Officer position. This year is our final obligation of funding the position.

A SUNY Geneseo Senior Student has sent an e-mail expressing her interest in completing a service project on April 16th from 9:00 A.M. to 11:00 AM. She is looking for ideas for the project.

Also, an e-mail was received from an unhappy resident regarding property sales, the Zoning Board of Appeals special use permits and variance. The resident next door neighbors who received a variance has now put there home up for sale.

DISCUSSION - OPEN ITEMS

Councilman Mairs reported the Year End Report for Dump Days has been completed.

Councilman Cook requested Board Packets be placed in a secure area and not left where the public has access. Discussion resulted in providing the Town Clerk access to the Supervisor Office, where the mailboxes are currently kept. As the Records Management Officer the Town Clerk thanked the Board.

Town Clerk Knight provided the Board with the follow-up information regarding the burials in the South Avon Cemeteries.

Deputy Town Supervisor Cole provided the following report:

The Town of Avon as well as other frontier customers is having modems shutting down and other issues that are creating the need for technical support. The Assessors fax line went dead, was fixed and went dead again the next day.

The floors of the Opera Block side of the Town Hall will be stripped and polished over the long weekend. We continue to have loose tiles and are being told that our warranty is up. All correspondences will be provided to Attorney Campbell.

He shared his concerns of seeing the records storage area littered with piles of boxes.

No external heat units are to be used in the Opera Block/Town Hall.

Heating the Historian's Office continues to be a problem. Historian Kingston shared the recorded temperatures. Deputy Supervisor Cole stated that currently the heat is at 62 degrees and takes a long time to heat-up. A fan is being used to blow the heat to the thermostat as the heating units are near the ceiling near the thermostat. Deputy Supervisor Cole stated it was designed poorly, filters have been changed and it appears the vents are not blocked. A call to LeClaire Flemming will be made. Councilman Cook suggested providing Historian Kingston with another work place until the heating problem is fixed. Historian Kingston stated the low temperature is not good for the materials in her office.

Historian Kingston reported Livingston County will be celebrating their sequential celebration with the ringing of bells. Additional information will follow.

There was discussion of the Avon Preservation & Historical Society being provided with a phone. The Board was in agreement with the request. Town Clerk Knight stated that she thought they had been given a phone as she helped with a test and the phone worked. Supervisor LeFeber stated they could have his phone if one was needed.

There was additional discussion on rent of the office space in the Opera Block/Town Hall and an advertisement that would be published.

RESOLUTION #35 AMEND RESOLUTION #19 HEALTH INSURANCE BUY OUTS

On motion of Supervisor LeFeber, seconded by Councilman Cook the following resolution was
ADOPTED AYES 5 NAYS 0

RESOLVE to amend resolution #19 as follows:

From:

RESOLVE to increase from twenty percent to thirty-five percent of the cost of single insurance for the 2011 fiscal year only as a buy-out.

To:
RESOLVE to increase from twenty percent to thirty-five percent of the cost of single, two-person, or family health and dental insurance and the Town's HSA contribution for the 2011 fiscal year only as a buy-out.

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

RESOLUTION #36 EXECUTIVE SESSION

On motion of Councilman Cook, seconded by Councilman Mairs the following resolution was
ADOPTED AYES 5 NAYS 0

RESOLVE to enter into executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. TIME 7:08 P.M. inviting Attorney Campbell and Highway Superintendent Robert Ayers (left at 8:00 P.M.), TIME 8:11 P.M. inviting Supervisor Secretary Mary Blye and Water Superintendent Daniel McKeown.

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

RESOLUTION #37 CLOSE EXECUTIVE SESSION

On motion of Supervisor LeFeber, second by Councilman Mairs the following resolution was
ADOPTED AYES 5 NAYS 0

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 9:07 P.M.

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

DISCUSSION – RECORDS MANAGEMENT OFFICER

After further discussion the Board reversed there approval to provide the Town Clerk with access to the Supervisor and Confidential Secretary to the Supervisor's office at this time until a better solution is found.

On motion of Councilman Mairs, seconded by Councilman Blye, the meeting adjourned at 9:17 P.M.

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

Respectfully submitted by, _____

Sharon M. Knight, CMC/RMC, Town Clerk

And

_____

Kelly Cole, Deputy Supervisor