A Regular Meeting of the Town of Avon was held on Thursday, February 24, 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, 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 and Town Clerk Sharon Knight

VISITORS: Genesee Sun Owner Josh Williams and Attorney Ray Sciarrino

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

Changes were made to the minutes by Town Clerk Knight and the Board considered the minutes as revised with the following results.

RESOLUTION #38 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 February 10, 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:

A letter was sent in regards to the heating pumps in the basement to Glen LeClaire. There is a need for a follow-up phone call.

A draft of a local law has been completed as requested by Planning Board Chairman Dr. Tugel in regards to Agricultural Zoning Districts that no accessory structure may exceed 650 square feet of floor area, be changed to allow up to 1200 square feet of floor area as well as a change to the Avon Town Code Schedule A maximum allowable accessory structure height in an Agricultural zoning district (non-farm) from

12' to 18'. It was suggested to gather other suggestions for changes to the code including amending Local Law 2-2010 and include in one public hearing. Additional information will be provided at the next meeting.

Supervisor LeFeber stated that he has asked the Zoning Board of Appeals to compile a list of Special Use Permits that have been issued. It's necessary to make sure they are being complied with and determine when they will be renewed. A suggestion was to determine the length of time of the Special Use when the permit is granted to allow for a case by case decision.

Supervisor LeFeber reported that all of the grant monies have been received and he extended a thank you to Confidential Secretary Mary Blye for all of her efforts on behalf of the Town of Avon.

Deputy Supervisor Cole discussed the two year warranty with Marianacci as the contractor, as well as the one year warranty with the company that put in the flooring. They are claiming the warranty has expired. Certainly communications has take place in regards to the issues with the floor during the warranty period. Attorney Campbell will follow-up.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Robert Ayers reported on the following:

A number of correspondences have been received regarding CHIPS money. It appears Governor Cuomo has no plans to change the amount that will be received and the price of fuel and other items continues to increase. March 8th and 9th have been planned as Albany advocacy day and Highway Superintendent Ayers will be attending.

The phone service rate has increased from $28.00 to $48.00 therefore an adjustment is recommended for the employees that are using their own phones. The Board was in agreement to make the adjustments. A report will be provided at the next meeting.

Water Superintendent McKeown stated that he pays $5.00 to have texting on his phone out of his pocket.

DISCUSSION - ENGINEERING REPORT

Engineer Rock reported on the following:

The Rural Development Route #39 budget and final report have been completed, but adjustments will need to be made.

DISCUSSION – WATER REPORT

Water Superintendent McKeown questioned if the Attorney had an update of the Spratt/Taylor water billing issue.

DISCUSSION CODE ENFORCEMENT OFFICER

Code Enforcement Officer Anthony Cappello reported he had a complaint of barking dogs on Pole Bridge Road. A permit came in to change the property class code from Church business to residential.

RESOLUTION #39 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 2011-4 in the following amounts:

General Fund	Voucher #76 through #83 in amounts totaling $1,662.23
Highway Fund	Voucher #26 through #34 in amounts totaling $14,689.17
Water Fund	Voucher #32 through #35 in amounts totaling $48,233.32
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	No Voucher

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

DISCUSSION SUPERVISOR REPORT

Supervisor LeFeber reported on the following:

At the last meeting, Supervisor LeFeber reported that a senior from SUNY Geneseo was looking for ideas for a service project. It was recommended to help with the food pantry distribution of Easter food baskets.

There was discussion on the process to update our Employee Handbooks. Comparing the Town of Geneseo and Livonia handbook's will be a first step. Town

Clerk Knight suggested the Town of York be included in the comparison, as they recently adopted theirs. Attorney Campbell requested a copy of our current handbook.

The amounts of dollars we will be receiving from the State through the County for Youth Recreation are being reduced, as planned in out budget. Last years amount we received was $5,000.00 and this year the amount will be $2,400.00.

DISCUSSION – EMPLOYEE HANDBOOK

Supervisor LeFeber provided the Board with a list of handbook topics that include the following:

- Performance Reviews
- Standard work day 8 vs. 10 hours
  In 2001 the highway day was 8 hours which is what sick and vacation time was based on. The day is now 10 hours which changes the value of the benefit
- Health care
  - employee share 1/1/12 single 4%; 2 person 10%; family 16%
  - employee share 1/1/13 single 8%; 2 person 15%; family 24%
  - buy out language
  -
- Holidays – 10 vs. 12
- Better harassment definitions
- Add disability act statement
- Year end statement of benefits
- Cell phone policy
- Accrued sick time dollar value
- Accrued vacation dollar value
- Define employee

Discussion included but was not limited to the following:

Martin Luther King Day versus Columbus Day or additional days.
Year end statement of benefits would include a list of costs of benefits.
Accrued is 120 max
Accrued vacation 10 day max
Define employee – pt/full time standard day. A sick or vacation day is 8 hours based on day length when the handbook was adopted in January 2001

Highway Superintendent stated that because the Highway works 10 hour days he keeps track of the hours not the days.

A copy of the Town of Geneseo Employee Handbook had been provided to the Board and the Town of Livonia will also be sought. Town Clerk Knight stated that the Town of York recently completed a handbook.

DISCUSSION - OPEN ITEMS

Councilman Mairs discussed an opportunity to comply with the New York State Electronic Equipment Recycling and Reuse Act that will begin April 1, 2011. Further information will be provided to the Board at the next meeting to allow for contact with the Regional Computer Recycling and Recovery for discussion of Dump Day service.

Councilman Cook reported that a meeting has been scheduled for March 3rd at 7:00 P.M. here at the Town Hall for a Water Works Committee Meeting. Councilman Mairs can not be in attendance and Supervisor LeFeber volunteered to attend.

Councilman Blye questioned if the Planning Board's request for a local law will be available in a timely fashion as it was recommended to meet with the other Boards prior to scheduling a public hearing. Discussion took place that included a timeline.

Deputy Supervisor Cole reported on the following:

He will be on vacation for two weeks and Code Enforcement Officer Cappello has all of the information on the building.

Code Enforcement Officer Cappello and Cleaner Jose Alvarado were stuck in the elevator on Monday. Outstanding questions are why our elevator shuts down if the door is pumped twice and it then slows down and then stops.

The court department has cleaned up the record area.

There was a question of who is responsible for inspecting the fire system.

There was a question on the old wooden shelves that belong to the Town and Clerk Knight responded that they are in the rented Avon Preservation & Historical Society's space being used by them.

RESOLUTION #40 RECOGNIZES JEAN ERSLA DOWNING BATZINGS 90TH BIRTHDAY

Supervisor LeFeber read and the Board authorized him to sign the following proclamation recognizing Jean Batzing's 90th birthday.

Town of Avon
Formally Organized 1797
Named Avon 1808

Incorporated Village in 1853
Livingston County, New York

PROCLAMATION

WHEREAS, the residents and guests of the great Town of Avon, New York recognize the 90th birthday of Jean Ersla Downing Batzing, a giving member of our community, which she loves so dearly.

WHEREAS, Jean was born February 23, 1921, in our community of then mostly farmers. Jean was the first baby born to the original members of The Inverness Community Club whose records begin about 1920 listing members and activities through 2003. Original members are all deceased; and

WHEREAS, most of Jeans childhood was spent at 55 East Main Street, graduating from Avon Central School in 1939 the Senior Vesper Service was held in the High School Auditorium and the program had a scripture reading, prayers and the signing of the hymn "Jesus Calls Us"; and

WHEREAS, attendance at the Geneseo Normal School, where one could choose the study of teacher or librarian. In 1943, Jean was amongst the first class to graduate under the four year plan, then named the University of the State of New York in Geneseo; and

WHEREAS, she began her career in teaching then returning to the University to continue her education and in 1960 received her Masters degree and retired after 33 years of teaching and serving as an administrator and;

WHEREAS, also in 1960 Jean was married to Dewey, both being of the same mind as others of that era, that marriage is forever. Their marriage was one that they both treasured until death did them part on September 8, 1993 with Dewey's passing and;

WHEREAS, Jean has volunteered in many capacities such as the Livingston County Children's Protective Association, a driver for the Avon Nutrition Center, as a early Member of the Avon Preservation and Historical Society, the Millennium Celebration, and Red Cross Blood Drives, Friendly Service Representative for the Livingston County Retired Teachers Association, Election Inspector, a judge of the Avon Springs Lodge Youth Talent Show, Crop Walk, Avon Interfaith Council, Livingston County Cooperative Extension Board of Directors, Farm Home Administration, Chairman of the Cancer Drive for the Town of Avon, Judge for Brainstormers and Odyssey of the Mind, Episcopal Church Home, Avon Nursing Home, the Livingston County Cornell Cooperative Extension Service, Lay Eucharist and lay reader and;

WHEREAS, Mrs. Batzing has deep roots in the Avon Community and exemplifies outstanding citizenry, a tradition of excellence in teaching, farming,

volunteering and a commitment to the Avon Community and the great State of New York.

WHEREAS, she was honored with a "Surprise Birthday Celebration" held February 20, 2011 at the Opera Block/Town Hall on the third floor, with more than 190 attendees.

Therefore, Be it Resolved the Avon Town Board does hereby resolve to recognize

JEAN ERSLA DOWNING BATZING'S 90TH BIRTHDAY

by declaring February 23rd as Jean Ersla Downing Batzing Day.

In Witness Whereof, I have hereunto set my Hand and Signature

_____
David L. LeFeber, Supervisor

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

DISCUSSION – RENTAL OF OFFICE SPACE

Supervisor LeFeber opened the discussion of the possibility of renting space in the Town Hall.

One notarized opinion follows:

"Do not want tenant to park out front. Customers are welcomed including the renters." Frank Matusak Jr.

The following was provided through e-mail

Town Board Members: I understand you are having a public hearing this evening in regards to renting the back first floor portion of the "old bank"
building at 27 Genesee Street. One concern I have is in regards to access to the rest of the Town building. I understand our offices lock and the elevator is able to be closed off on certain floors, but there is still access to the second floor via the stairs. The stairs are not able to be locked off. Is this a concern that should be looked at. Any questions regarding parking may arise depending on the type of tenant. Thank you for addressing these questions. Sincerely, Tami Snyder

Historian Kingston concurred with Assessor Snyder's comments and questioned if renting would be more trouble than any money that would be received. Also, parking is going to be a concern.

Highway Superintendent Ayers questioned how the Board would choose one applicant over another. He suggested that it be bid just as another asset of the Town would be. Supervisor LeFeber then put forth the question if we get the most we can and then weight the downsides of the type of business. Other items would include: background checks, type of business, types of traffic and non-resident versus resident.

Supervisor LeFeber stated that Livingston County has a rate per square foot.

Deputy Supervisor Cole stated that the rest of the building could be locked and both applicants would support access to the bank safe.

Town Clerk Knight questioned if there was additional space for records storage as it was a surprise of the number of court documents that are in the records storage area has been identified.

Councilman Cook shared his thoughts and in favor of renting the space for a two year term.

Councilman Mairs concurred with renting the space as he has spoken to residents and they are supportive.

Councilman Blye is not supportive of renting the space at this time.

Deputy Supervisor Cole is supportive of renting the space and had discussed the space with both the Village Police and the Sheriff's Department; however, they were not interested at the time. All the concerns shared could be stipulated in the agreement similar to the lease with the Avon Preservation & Historical Society.

DISCUSSION SOUTH AVON CEMETERY

Town Clerk Knight asked the Board if they had any questions on her request regarding burials at the South Avon Cemetery. The Board will consider at the next meeting.

RESOLUTION #41 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 8:40 P.M. inviting Attorney Campbell and Highway Superintendent Ayers.

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

RESOLUTION #42 CLOSE EXECUTIVE SESSION

On motion of Councilman Cook, 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 9:00 P.M.

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

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

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 8:40 P.M.

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