A Regular Meeting of the Town of Avon was held on Thursday, March 10, 2011 at 6:00 P.M. at the Avon Opera Block/Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, and Councilmen Donald Cook, Thomas Mairs, and James Blye (arrived at 8:15 P.M.)

ABSENT: Deputy Supervisor Cole

OTHERS: Attorney James Campbell, Town Engineer Timothy Rock, Highway Superintendent Robert Ayers, Water Superintendent Daniel McKeown, Code Enforcement Officer Anthony Cappello, Historian Maureen Kingston, Youth Recreation Director Kim McDowell and Town Clerk Sharon Knight, CMC/RMC

VISITORS: Genesee Sun.com Owner Josh Williams, and Reporter Collins Hayes, Genesee Valley Motors Owner Dom Genova and his Attorney Carlos Rodriguez, Mayor Thomas Freeman, Village Chief of Police Jim Carney, and Officer Joe Gear

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 #43 APPROVAL OF MINUTES

On motion of Supervisor LeFeber, seconded by Councilman Cook the following resolution was
ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Blye)

RESOLVE to approve the minutes of February 24, 2011 as presented.

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

DISCUSSION – HISTORIAN KINGSTON REPORT

Historian Kingston read a proposed resolution for board consideration and they took the following action.

RESOLUTION #44 RECOGNIZING THE 150TH ANNIVERSARY OF THE CIVIL WAR 2011 – 2015

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Blye)

WHEREAS, April 12, 2011 marks the 150th anniversary of the attack on Fort Sumter and the beginning of the Civil War; and

WHEREAS, the sesquicentennial of this event is cause for commemoration and reflection in an appropriate manner befitting this hallmark event in American history; and

WHEREAS, more than 3,000 men from Livingston County left their families and work behind to answer the call for duty for the preservation of the Union between 1861–1865; and

WHEREAS, many soldiers lost their lives or returned to this area suffering the effects of the war and its aftermath having served courageously for the Union cause; and

WHEREAS, men, women, and children on the home front also endured tremendous hardship and contributed generously to benefit their communities and the Union cause; now, therefore, be it

RESOLVED, that in observance of the four-year 150th anniversary of the Civil War, Town of Avon in patriotic tradition, recognizes the importance of honoring all those from Livingston County who served in battle and on the home front during this war and acknowledges the immeasurable sacrifices that helped to preserve freedom.

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

DISCUSSION – YOUTH RECREATION REPORT

Youth Recreation Director Kim McDowell addressed the Board with suggested changes to the swim program. The Town of Caledonia took out of their budget the costs they incur with their resident swimmers taking part in the Avon Program. The swimming portion of the program runs from June 27th through August 5th. Both the Recreation and Swimming Directors have re-applied for their respective positions. It was recommended that the swim program be opened to all non-residents for a cost of $40.00 for two weeks session that is 10 consecutive days. The Board was in favor of the suggestion and thanked Mrs. McDowell for all of her and the committees efforts.

DISCUSSION – ATTORNEY RECREATION

Attorney Jim Campbell reported on the following:

A draft lease agreement for office space was presented to the Board and they were asked to make any changes/deletions/additions after their review. No dollar amounts, utilities or length of the term of the contract were included in the draft.

A proposed local law was provided to the Clerk and the Board along with a completed SEQR Form. The SEQR Long Form is needed due to the number of acres the law would affect. The local law is not believed to have negative impacts. The local law would modify Chapter 130 as follows:

LOCAL LAW NO. T-1A OF THE YEAR 2011
OF THE TOWN OF AVON

A local law amending the Zoning Ordinance of the Town of Avon.

Be it enacted by the Town Board of the Town of Avon as follows:

SECTION 1. TITLE AND SCOPE

A. This local law shall be known as "A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF AVON, MODIFYING AND ADDING CERTAIN RESTRICTIONS RELATING TO THE ZONING DISTRICT KNOWN AS "AGRICULTURAL DISTRICT (A)" AND MODIFYING CERTAIN RESTRICTIONS AS SET FORTH IN SCHEDULE A - AREA, LOT AND BULK REGULATIONS."

B. Chapter 130 of the Code of the Town of Avon, also known as the Zoning Ordinance of the Town of Avon, is hereby amended as set forth below to modify the permitted square footage for Accessory Buildings as provided in §130-11 C (7); Schedule A- Area, Lot and Bulk Regulations (which is also identified as "130 Attachment 1" and is incorporated into the Zoning Ordinance of the Town of Avon by reference) is hereby amended as set forth below to modify the permitted height of an Accessory Building, incidental or subordinate to a principle use of a single family dwelling within an Agricultural District (A); and a new section to be known as "§130-11 C (8)" is hereby added to permit Accessory Buildings in an Agricultural District (A) only incidental to a permitted primary use as identified by said zoning district.

SECTION 2. PURPOSE.

The purpose of this local law is to implement zoning changes within the Town of Avon, responding to the needs and preferences of the community, within a framework designed to promote well-regulated growth.

Unless specifically otherwise stated herein, all references to zoning legislation already in existence refer to the Town of Avon Zoning Ordinance.

SECTION 3. AMENDMENT TO PERMITTED SQUARE FOOTAGE UNDER §130-11 C (7).

The maximum permitted square footage area for Accessory Buildings in an Agricultural District (A) as set forth in §130-11 C (7) shall hereby be changed from 650 square feet of floor area to 1,200 square feet of floor area. Section 130-11 C (7) shall read as follows:

"(7) Maximum land coverage by all accessory buildings allowable in the Agricultural (A) District is 1%. Additionally, no Accessory Building may exceed 1,200 square feet of floor area, except on farms."

SECTION 4. AMENDMENT TO SCHEDULE A- AREA, LOT AND BULK REGULATIONS (ALSO IDENTIFIED AS "130 ATTACHMENT 1".

The maximum permitted height for an Accessory Building incidental or subordinate to a single family dwelling within an Agricultural District (A) is hereby changed from twelve (12) feet to twenty (20) feet.

SECTION 5. ADDITION OF NEW §130-11 C (8).

A new section shall be added to §130-11 Agricultural District (A) and shall be identified as §130-11 C (8) which shall read as follows:

"(8) No Accessory Building shall be permitted unless such Accessory Building will be subordinate or incidental to an existing main building located on the same lot."

SECTION 6. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.

RESOLUTION #45 SET A PUBLIC HEARING FOR LOCAL LAW T-1A-2011

On motion of Supervisor LeFeber, seconded by Councilman Mairs the following resolution was
ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Blye)

Resolve to set a public hearing on Local Law T-1A-2011 for April 14, 2011 at 7:00 P.M. Attorney Campbell and Town Clerk Knight will prepare the legal notice and other documents.

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

DISCUSSION – ATTORNEY RECREATION - continued

Attorney Jim Campbell continued his report stating he received a letter from Attorney James M. Dyes representative of Judge Torregiano regarding the salary of Judge

Torregiano. The compensation schedule reduced the Justice's salary by five dollars as an erroneously error that was not malicious. Case law requires a resolution be adopted to correct the error. Deputy Supervisor Cole suggested a different option through an e-mail. The Board tabled action until later in the meeting when Councilman Blye was expected. Attorney Campbell stated that if this is taken as far as the Federal Court, legal fees may be awarded to the victor. It's a long shot that it would be taken as far as Federal Court. Justice Torregiano would not get the raise that was given to Justice Piampiano but he would have the same salary as last year.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Robert Ayers reported that he has been in Albany for the last couple of days and met with our State Representatives and Assemblywoman Cathy Young. One of the goals of the Governor is to have a budget adopted on time and CHIPS money is included.

DISCUSSION - ENGINEERING REPORT

Supervisor LeFeber asked Engineer Rock and Water Superintendent McKeown to provide a long range plan for our water system.

DISCUSSION – WATER REPORT

Water Superintendent McKeown reported there was a small leak on Route #15 and a hydrant was replaced on Jones Lane.

DISCUSSION CODE ENFORCEMENT OFFICER

Code Enforcement Officer Anthony Cappello reported there are maintenance items that need to be addressed and shared an example such as outside air coming through windows.

DISCUSSION – VISITOR DOM GENOVA OWNER REQUEST TO INSTALL CAR WASH IN AN APPROVED PDD

Supervisor LeFeber welcomed Mr. Genova to the meeting. An introduction of his Attorney Carlos Rodriguez was made. Mr. Genova requested the Board consider approval for him to build a car wash on property that is currently a business that sells used cars. The car wash would primarily be used for his customers and car preps. The design of the facility would be in keeping with the overall design scheme of his dealership. The existing zoning of the property is P.D.D. and the land is owned by one of his real estate holding companies, "520 Associates L.L.C.". Attorney Campbell stated it's clear that this was not an approved use when the original PDD was approved. A referral to the County will be needed. Mr. Genova stated that his time frame would be late this summer or by spring of 2012. Both Councilman Cook and Mairs expressed their

support for the conceptual plan. Attorney Campbell will work with Attorney Rodriguez and this item will be discussed further at a future meeting.

RESOLUTION #46 PAYMENT OF BILLS

On motion of Councilman Mairs, seconded by Councilman Cook the following resolution was
ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Blye)

RESOLVE to accept for payment Abstract 2011-5 in the following amounts:

Concerning ABSTRACT of Claims Number 2011-5 including claims as follows:

General Fund	Voucher #84 through #116 in amounts totaling $18,136.12
Highway Fund	Voucher #35 through #46 in amounts totaling $7,604.65
Water Fund	Voucher #36 through #43 in amounts totaling $2,397.44
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #3 through #3 in amounts totaling $1,192.92
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 - Absent, Councilman Mairs - Aye, Councilman Cook - Aye, Deputy Supervisor Cole - Absent, Supervisor LeFeber – Aye

RESOLUTION #47 RECEIVE MONTHLY REPORTS FROM THE SUPERVISOR AND TOWN CLERK

On motion of Councilman Mairs, seconded by Councilman Cook the following resolution was
ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Blye)

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 February from the Supervisor, and the Town Clerk Report as shown below:

Town Clerk February Report:

Total Local Shares Remitted:	$1,546.50
New York State Department of Health	$67.50
NYS Ag. & Markets for spay/neuter program	$46.00
NYS Environmental Conservation	$27.40
WATER Fee	$4,343.57
TOTAL	$6,030.97

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

DISCUSSION – AMENDING RETIREMENT RESOLUTION

Supervisor LeFeber opened the discussion of the need to amend the New York State Retirement Resolution adopted December 2010. Town Clerk Knight identified the changes needed as the follow:

Deputy Supervisor Cole column for Days/Month will be changed from n/a to not submitted, an additional column for the Highway Superintendent will be added to identify that he is in the Tier 1 retirement plan. Also, Water Superintendent McKeown stated that he would provide the required time sheets to replace the calendars.

DISCUSSION – AVON CENTRAL SCHOOL RESOURCE OFFICER

Supervisor LeFeber welcomed Avon Central School Superintendent Bruce Amey, Village Mayor Thomas Freeman, Village of Avon Chief of Police James Carney and Officer Gear. Avon Central School Superintendent Amey addressed the Board asking for their continued financial support for the School Resource Officer. The County provides forty percent of the financial support and the remaining is divided by the three local municipalities the Village and Town of Avon and the Avon Central School. There was discussion on the types of service the program provides as well handling 200 to 270 incidents. Superintendent Amey thanked the Board for their past support and for Justice Piampiano's participation in the Livingston County District Attorney's sponsored "Restored Incentives Program".

Chief Carney reported on paying the cost for Court security directly to the Village Officers rather than the Village of Avon. Village Attorney Whiting is looking into a blanket insurance policy that would cover their service and Attorney Campbell will follow up with Attorney Whiting.

Councilman Cook reported that the parking spaces on Genesee Street are too small. Others concurred with Councilman Cook. Village Mayor stated there is a plan to change the spaces on the East side of the Genesee Street but he did not realize that the spaces on the West side of the street are too small and will look into the request.

DISCUSSION – WATER WORKS COMMITTEE MEETING REPORT

Councilman Cook reported on the Water Works Committee Meeting as follows:

Schedule C employee costs were reduced due to the retirement of Thomas Moran. The total rate is .01 more that it is today. The recommendation is to keep the same rate at $2.27 by taking $2,000.00 out of $315,000.00 reserve fund. The board took the following action.

RESOLUTION #48 RECOMMENDATION OF WATER WORKS COMMITTEE

On motion of Councilman Mairs, seconded by Councilman Cook the following resolution was
ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Blye)

RESOLVE to accept the recommendation as described in a letter received by the Town Clerk on March 10, 2011 from Avon Water Works Committee Chairman Ted Coyne to adopt the wholesale water rate at $2.27 per 1000 gallons.

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

RESOLUTION #49 TOWN OF AVON – ROUTE 39 WATER DISTRICT BUDGET MODIFICATION NO. 1

On motion of Councilman Mairs, seconded by Councilman Cook the following resolution was
ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Blye)

Town of Avon– Route 39 Water District
Budget Modification No. 1

Whereas, the Town of Avon developed the budget for the Route 39 Water District project based on estimates for the costs for the various administrative budget items expenditures, and

Whereas, the actual costs for these items will be less than the budgeted amounts, as follows:

Budget Item	Approved Budget	Increase (Decrease)	Modified Budget
Legal	$12,000.00	($6,465.00)	$5,535.00
Bonding	$7,450.00	($2,459.49)	$4,990.51
Net Interest	$1,754.00	($461.76)	$1,292.24
Land, ROW	$1,000.00	($890.00)	$110.00

Miscellaneous	$1,000.00	($322.19)	$677.81
		($10,598.44)	

Be it resolved that the Town Board hereby authorizes the adjustments to the budget line items as shown above and the transfer of these funds ($10,598.44) to the Contingency.

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

RESOLUTION #50 TOWN OF AVON – ROUTE 39 WATER DISTRICT BUDGET MODIFICATION NO. 2

On motion of Councilman Mairs, seconded by Councilman Cook the following resolution was
ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Blye)

Town of Avon– Route 39 Water District
Budget Modification No. 2

Whereas, the Town of Avon previously received permission from Rural Development for the purchase of pipe and other materials for the Route 39 Water District, and

Whereas, the Town of Avon has previously charged $13,588.00 for the purchase of materials to the capital project, and

Whereas, the actual cost for the materials was $13,890.86, and

Whereas, the Town has incurred $2,650.20 in costs for the purchase of water meters for the water district, and

Whereas, the Town plans to install the pipe and materials within the water district using force account labor and equipment.

Be it resolved, that the Supervisor is hereby directed to request approval from Rural Development to utilize the available contingency funds to reimburse the Town for the balance of the costs for the materials and meters and for the cost of the force account labor and equipment to install these materials.

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

DISCUSSION - FEDERATION OF NEW YORK INSURANCE PROFESSIONS, INC.

Supervisor LeFeber presented a proposed resolution from Rene A. Tilly-Lyness dated March 1, 2011 and the Board took the following action.

RESOLUTION #51 FEDERATION OF NEW YORK INSURANCE PROFESSIONS, INC

On motion of Councilman Mairs, seconded by Supervisor LeFeber the following resolution was
ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Blye)

WHEREAS, The Federation of New York Insurance Professionals, Inc. was formed in 1942 to provide opportunities for increasing the knowledge of insurance, stimulate and encourage members in the insurance industry and assist them in securing advancement and recognition, and

WHEREAS, The work of insurance professionals requires advanced knowledge and expertise in communications, technology, organization and customer service, and

WHEREAS, The Federation of New York Insurance Professionals Week is observed annually to recognize the efforts and achievements of its members, and

THEREFORE, the Avon Town Board, hereby proclaim the week of April 25 – May 1, 2001 as Federation of New York Insurance Professionals Week. And we call on all employers in the insurance industry to support the continued training and development of insurance professionals.

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

DISCUSSION – NEW YORK STATE eWASTE LAW EFFICTIVE DATE APRIL 2011

Councilman Mairs reported on the proposed eWaste Alliance partnership network to provide for recycling and the Board took the following action.

RESOLUTION #52 CONTRACT WITH REGIONAL COMPUTER RECYCLING & RECOVERY

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Deputy Supervisor Cole and Councilman Blye)

RESOLVE to authorize the Supervisor to sign the agreement to participate in this manufacturer sponsored program.

The eWASTE Alliance Partnership Network is simple:

1- Your designated town location serves as a collection site for Covered Electronic Equipment (CEE)

2- RCR&R provides storage containers and will pick up accumulated equipment on a regular basis at ***NO CHARGE TO YOU.***

3- To help promote your Town and your status as a member of the *eWASTE Alliance Partnership Network,* RCR&R will provide your Town with marketing material if requested, and your information will be included on one or more websites including www.eWASTE.com , www.DEC.NY.Gov, www.eWASTEalliance.com, and potentially several others including electronics manufacturers and waste management websites.

4- RCR&R will facilitate and file the appropriate registration documentation on your behalf at no charge, as required by the New York State Department of Environmental Conservation.

5 - Business customers that require premium services including direct pickup and secure data destruction services should be referred directly to RCR&R to obtain these services.

Attached you will find two flyers: one describing the new law and the other that can also be used as a poster for you constituents.

If you have additional questions, please feel free to contact Scott Pastorell at 888 563-1340 ext. 103 or reference our special website at http://www.ewaste.com/partners.php

To insure that your town is included in the eWASTE Alliance Partnership Network and to take advantage of this free program, simply provide your signature below indicating that you wish to participate in this manufacturer sponsored program.

_____ _____

Authorized Signature Printed Name

_____ _____

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

DISCUSSION HANDBOOKS

Supervisor LeFeber reported that we have handbooks from multiple Towns.

DISCUSSION SOUTH AVON CEMETERY

Town Clerk Knight asked the Board to consider approving her request to purchase plots in the South Avon Cemetery. Discussion included the cost of the plots, the need to identify the number of spaces available, the cost of hand digging, and marketing the sale of plots, etc. The Board did not take action.

DISCUSSION – LEGISLATIVE ACTION

Town Clerk Knight requested the Board consider taking action on State legislative bills to be considered in the Assembly and Senate. Town Clerk Knight read portions of the summary of the bills. Councilman Mairs agreed to review the bills and report at the next meeting.

DISCUSSION – NEW YORK STATE TOWN CLERK'S ASSOCIATION CONFERENCE

Town Clerk Knight requested the Board consider approval of her attendance at the 2011 Conference and they took the following action.

RESOLUTION #53 APPROVAL OF THE TOWN CLERK TO ATTEND THE NEW YORK STATE TOWN CLERK'S ASSOCIATION CONFERENCE

On motion of Supervisor LeFeber, seconded by Councilman Mairs the following resolution was
ADOPTED AYES 3 NAYS 1 (Councilman Cook) ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to approve the funding up to $500.00 for the Town Clerk to attend the New York State Town Clerk's Association Conference scheduled in Buffalo on May 1 – 4, 2011.

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

DISCUSSION – INCREASE THE DEPUTY TOWN CLERK BUDGET LINE ITEM DUE TO THE TEN PERCENT INCREASE IN SALARY OF THE DEPUTY TOWN CLERKS

Town Clerk Knight asked for the Board to consider making a budget transfer to reflect the adopted resolution increasing the Deputy Town Clerk's salary by ten percent. Discussion included the Town Clerk and Councilman Blye's not supporting the ten

percent increase as well as the tentative budget presented by the Supervisor. Reducing the hour worked by the Deputy Town Clerks was the intent of the ten percent increase while not increasing the line item. There was no action taken.

DISCUSSION – PREPARED MINTUES OF DECEMBER 9, 2010

Town Clerk Knight requested the Board consider taking action on the prepared minutes of their December 9, 2010 minutes. There was no action taken.

RESOLUTION #54 AUTHORIZING CORRECTION OF A SALARY FOR A TOWN JUSTICE THAT WAS ERRONEOUSLY PUBLISHED AND SUBSEQUENTLY SET AT THE ORGANIZATIONAL MEETING FOR THE TOWN OF AVON SAID CORRECTED SALARY TO BE EFFECTIVE AS OF JANUARY 1, 2011

On motion of Supervisor LeFeber, seconded by Councilman Cook the following resolution was
ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

WHEREAS, Michael Torregiano is an elected Town Justice in the Town of Avon, who is presently in the middle of his term of election, which is not set to expire until December 31, 2011; and

WHEREAS, the Town Board of the Town of Avon did cause a proposed compensation schedule for elected officials for the fiscal year 2011 to be published on or about October 21, 2010 and October 28, 2010; and

WHEREAS, in said schedule as published, the compensation set for Town Justice Michael Torregiano was erroneously stated as $11,221.00 for the fiscal year 2011 instead of the correct amount of $11,226.00; and

WHEREAS, said incorrect amount was the result of a typographical error that was not detected prior to publication of the compensation schedule; and
WHEREAS, subsequently, at the organizational meeting for the Town of Avon, held on January 3, 2011, the erroneous compensation amount ($11,221.00) for Town Justice Michael Torregiano was adopted along with the other compensation amounts listed on said schedule; and

WHEREAS, the Town Board has discovered the error with regard to the compensation amount for Town Justice Michael Torregiano, and said Board seeks to correct said error to return Town Justice Michael Torregiano's annual compensation to the correct amount of $11,226.00 and to reimburse him for the difference between what he has been paid and what he should have been paid for the period from January 1, 2011 through the effective date of this resolution;

NOW, THEREFORE BE IT RESOLVED, that:

1) The Town of Avon hereby corrects the annual compensation amount for Town Justice Michael Torregiano to $11,226.00, to be effective as of January 1, 2011 and to remain at said rate for the remainder of calendar year 2011; and

2) The Town of Avon compensation records be amended to reflect the corrected annual compensation for Town Justice Michael Torregiano for 2011 to be $11,226.00; and

3) The payroll company servicing the Town of Avon be directed to amend the annual compensation amount for 2011 due to Town Justice Michael Torregiano to $11,226.00 effective January 1, 2011 and to pay to him all amounts due from that date pursuant to the adjusted compensation amount (the difference of what he has been paid from the erroneous compensation amount of $11,221.00 and the corrected amount of $11,226.00 for the period January 1, 2011 through the effective date of the modification)

Dated: March 10, 2011

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

DISCUSSION – COURT COVERAGE

Supervisor LeFeber stated that the board was lobbied for a Court Clerk some time ago and he assumed this was for coverage when someone was out. Last week there was only three hours of coverage by the newly hired Clerk. Another Court Clerk worked until 9:00 P.M. or 10:00 P.M. on Friday night to get the work completed. Past Town Board discussion was to leave it up to the Department heads to provide leadership in their department, however; the open hours are not being covered. Supervisor LeFeber will speak with the Town Justices.

DISCUSSION – HIGHWAY SUPERINTENDENT REQUEST FOR TIME SHEETS

Highway Superintendent Ayers stated that he continues to request to be compensated for vacation and sick time accrued while serving as a Motor Equipment Operator before being appointed and then elected to the position of Highway Superintendent. Prior discussions with the Board included the Town of Avon did not have the records; however, knowing the Town Clerk's history of record keeping he requested the records from her office. Payroll records and time sheets were dating back to 1976 and show hours worked and days off. Further discussion was the rate of pay that would be used as well as number of days. Highway Superintendent Ayers stated that when determining the year of employee benefits to be used it should not differ from the benefits currently being used, as he is paying a portion of health care that he did not have to pay when elected

Highway Superintendent. The Board requested the Town Clerk to provide a report of time accrued for consideration at the next meeting.

DISCUSSION – PHONEREVIEW CONTRACT

Town Clerk Knight reported that an e-mail was received from PhoneReview stating that there were no historical refunds identified in their search. A request to complete a review of utilities was requested for Board consideration and they took the following action.

RESOLUTION #55 AUTHORIZED THE SUPERVISOR TO SIGN A CLIENT AGREEMENT WITH PHONEREVIEW.

On motion of Supervisor LeFeber, seconded by Councilman Cook the following resolution was
ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to approve the Supervisor to sign a contact with PhoneReview to conduct a review of utilities costs as used when signing the Client Agreement to audit all of the client's telephone billing charges.

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

RESOLUTION #56 SUBMISSION TO THE LIVINGSTON COUNTY HEALTH DEPARTMENT OF THE ROUTE #39 WATER PROJECT.

On motion of Councilman Mairs, seconded by Councilman Cook the following resolution was
ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to authorize the Supervisor to sign the plans for Route #39 Water Project for submission to the Livingston County Health Department.

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

On motion of Councilman Mairs, seconded by Councilman Cook, the meeting adjourned at 8:57 P.M.

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