

A Regular Meeting of the Town of Avon was held on Thursday, April 14, 2011 at 5:00 P.M. at the Avon Opera Block/Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Cole, Councilmen Donald Cook, Thomas Mairs, and James Blye

OTHERS: Attorney James Campbell, Town Engineer Timothy Rock, Highway Superintendent Robert Ayers, and Town Clerk Sharon Knight, CMC/RMC

VISITORS: GeneseeSun.com Owner Josh Williams, Avon Preservation & Historical Society Curator Joan Reid and Attorney Ray Sciarrino

Supervisor LeFeber called the meeting to order at 5:00 P.M.

Pledge of Allegiance

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

#### **RESOLUTION #68 APPROVAL OF MINUTES**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of March 24, 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 received from Attorney James M. Dys regarding the Town of Avon-Salary of Honorable Michael Torregiano. Discussion included Attorney's Dys position that the Town of Avon must pay any and all legal fees that Judge Torregiano has incurred as a result of the clear and unambiguous error of the Town. The Board took the following action.

#### **RESOLUTION #69 AUTHORIZE FOR ATTORNEY TO SEND LETTER**

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

ADOPTED AYES 5 NAYS 0

**RESOLUTION #69 AUTHORIZE FOR ATTORNEY TO SEND LETTER-continued**

RESOLVE to authorize Attorney Campbell to write and send a letter to Attorney Dys stating that the Town Board is not in favor of paying \$800.00 for the work performed on behalf of Judge Torregiano by Attorney Dys.

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

**DISCUSSION – ATTORNEY REPORT- continued**

Attorney Campbell continued his report by requesting the Town Clerk Knight provide him copies of the 1979, 1984 and 2001 water agreements with the Village of Avon to allow for his research of the Littleville water issue of providing water at no cost to two residents. There was a suggestion that this issue presents a bigger political problem.

Supervisor LeFeber questioned if there has been any forward movement by the Village Attorney to provide information regarding the payment of the Village Police Department's continuance of providing court security for the Town of Avon. It is thought the Village Attorney is on vacation.

A FOIL request from the Department of State was received and Supervisor LeFeber questioned the Clerk why this information is being foiled. Town Clerk Knight stated she was not aware of the reason. Attorney Campbell stated he has tried to contact the Department of State Employee but has not received a response. Town Clerk Knight requested all Departments, Town Board Members and the Attorney provide any information they may have in relationship to the FOIL request as not all information is shared with the Town Clerk. Each Town Board Members stated that they do not have any such documents.

**DISCUSSION – HIGHWAY REPORT**

Highway Superintendent Robert Ayers reported on the following:

The salt barn has been filled with approximately 2,000 ton of salt.

A bill will be sent to the East Avon Fire Department for 49 trips of drive through salt runs that were completed to date for this winter.

Spring clean-up has begun and mowing will be here before long.

The last budget report showed on page 7, DB5110.0 phone service. There has never been any line item for phone service. Supervisor LeFeber stated the error would be corrected.

**DISCUSSION – HIGHWAY REPORT-continued**

*He requested the Town Board to bring into the open meeting further discussion and/or Board action regarding his January request to the Board for unused vacation and sick time during his employment as a Motor Equipment Operator. Attorney Campbell requested an opportunity to have discussion with the Board to provide legal council outside of the open meeting. Town Clerk Knight requested Visitor and Avon Preservation and Historical Society Curator Joan Reid address the Board prior to an executive session and Supervisor LeFeber welcomed Ms. Reid.*

**DISCUSSION – REQUEST TO PURCHASE PLOTS IN THE SOUTH AVON CEMETERY**

Avon Preservation and Historical Society (AP&HS) Curator Joan Reid addressed the Board in response to a request for a recommendation regarding the Town Clerk's request to purchase plots in the South Avon Cemetery.

Joan reported that the last person buried in the cemetery was Ken Blakely in 1980. At this time the Board has the ability to approve the purchase of plots and it appears on the West side of the cemetery space is available. Several years ago the AP&HS checked with the County and Town for a plot map and there was not one available. Three summers were spent to reset stones and they did not uncover anyone that was not known to have been buried. Each stone has been documented. Four years ago a woman stated that a baby was buried in a specific area, however; it does not appear to have a burial in the area. The first recorded burial is 1813, which timeframe was common to use a wooden casket and cross for burials.

The reason for closure can only be assumed to be that there was no longer an active Cemetery Association and the cemetery was turned over to the Town. The Town does a nice job taking care of the cemetery. The Board and Clerk thanked Joan for attending the meeting.

**RESOLUTION #70 EXECUTIVE SESSION**

On motion of Councilman Maris, seconded by Councilman Cook 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 5:40 P.M. inviting Attorney Campbell.

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

**RESOLUTION #71 CLOSE EXECUTIVE SESSION**

On motion of Councilman Blye, second by Councilman Cook 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 5:50 P.M.

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

**DISCUSSION – HIGHWAY SUPERINTENDENT REQUEST**

Supervisor LeFeber gave the floor to the Highway Superintendent and his comments follow:

The records were not kept, but you sit around the table as Town Board Members to make decisions.

Mid January a request was made in executive session and at the Avon Inn where a St. Patrick's Day party was held that information was discussed by many people that approached me with their concerns.

Many jobs that are done are not a responsibility of the Highway Department but they are completed as assistance is requested. A few were identified and included but was not limited to: Clean-up of the Fowlerville Dump under the watchful eye of the New York State Department of Conservation, assisting the Water Department to install water lines on Route #15 while the Water Department received all of the financial benefits, relocating the highway building in 1996-1997, tearing down and cleaning the site, built a wall to improve the set-up of Dump days and then received no compensation and was asked by a new board member for help for another year and then that Board Member not only did not support to provide compensation but actually voted against compensation, to save money a 50 x 100 salt barn was built, the purchase of a 48 by 72 pole barn was purchased, taken down and reassembled (current value \$70,000.00), created and takes care of four drainage districts within the Town, rebuilt the inside of the Recreation trailer, received a request to immediately board-up a home by the Code Department, assisted with the Opera Block including moving gravel in the parking lot, put out a bid for a loader that included in the specs a \$500.00 per day reduction in cost for each day the loader was not received – eliminating \$14,500.00 off the purchase price.. The Boards discussion of not having records or being able to pay is not acceptable because they have done this in 2002 when they wanted two employees gone and bought them out, school districts buy-out Superintendents all the time. It appears the Town Board will not open the door when I leave as I will have to leave on my own.

**DISCUSSION – HIGHWAY SUPERINTENDENT REQUEST-continued**

Supervisor LeFeber read the following: “We have reviewed your request for reimbursement for claimed unused vacation and sick time for your previous term of employment from 1976-1993.

Given the extremely long period of time that has elapsed and the lack of documentation supporting your request, we are not able to honor the request.”

Town Clerk Knight asked all of the Board Members the following question: knowing the work history of the Highway Superintendent’s career did anyone question if the maximum number of days allowed to be accumulated were in fact accumulated by the Superintendent. There was no reply.

Highway Superintendent Ayers thanked the Town Clerk and her staff for reviewing all of the available records.

**DISCUSSION - ENGINEERING REPORT**

Engineer Rock reported a mailbox complaint was received in regards to the Route #39 Water Project. It was questioned if the contractor was on the hook for the complaint. Also, pressure concerns should be addressed by home owners that have pressure issues. The pressure should not get above 120.

**DISCUSSION – WATER REPORT**

Water Superintendent McKeown was not in attendance.

**DISCUSSION CODE ENFORCEMENT OFFICER**

Code Enforcement Officer Anthony Cappello was not in attendance.

**RESOLUTION #72 PAYMENT OF BILLS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2011-7 in the following amounts:

**Concerning ABSTRACT of Claims Number 2011-7 including claims as follows:**

**RESOLUTION #72 PAYMENT OF BILLS-continued**

<b>General Fund</b>	Voucher #131 through #166 in amounts totaling \$12,895.30
<b>Highway Fund</b>	Voucher #56 through #73 in amounts totaling \$45,380.40
<b>Water Fund</b>	Voucher #48 through #60 in amounts totaling \$42,057.58
<b>Cemetery Fund</b>	No Voucher
<b>Opera Block Capital Improvement</b>	Voucher #2 through #2 in amounts totaling \$60.00
<b>Royal Springs Lighting</b>	Voucher #4 through #4 in amounts totaling \$786.99
<b>Cross Roads Drainage District</b>	No Voucher
<b>Bruckel Drainage District</b>	No Voucher
<b>Royal Springs Drainage</b>	No Voucher
<b>Town Of Avon Fire Protection</b>	No Voucher
<b>Water Capital Improvement</b>	No Voucher

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

**RESOLUTION #73 RECEIVE MONTHLY REPORTS FROM THE SUPERVISOR AND TOWN CLERK**

On motion of Councilman Blye, seconded by Deputy Supervisor Cole 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 March Report:

<u>Total Local Shares Remitted:</u>	<u>\$724.03</u>
<u>New York State Department of Health</u>	<u>\$22.50</u>
<u>NYS Ag. &amp; Markets for spay/neuter program</u>	<u>\$97.00</u>
<u>NYS Environmental Conservation</u>	<u>\$141.72</u>
<u>WATER Fee</u>	<u>\$4,298.10</u>
<u>TOTAL</u>	<u>\$5,283.35</u>

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

**DISCUSSION SUPERVISOR REPORT**

A long range plan for the water department will be put together in the near future.

Increase in cemetery charges will be considered at a future meeting.

Village of Avon Mayor Freeman is supporting their continued participation in the Chamber of Commerce recognition of the Citizen of the Year and Student Service Award. Deputy Supervisor Cole was requested to present the plaques and will be available to do so.

An e-mail received April 5, 2011 was distributed to the Board and Clerk regarding the Avon Ambulance.

There was a lengthy discussion on an Environmental Protection Fund Workshop that has funding opportunities that maybe a match for the Town of Avon. Board Members will check their calendars to see if they could attend the May 3<sup>rd</sup> workshop. A follow-up with a public meeting would be held. Currently we have approximately \$600,000.00, however; there is an outstanding amount to repay General A Fund.

Another workshop is being offered by Livingston County Planning Board regarding census update.

There was discussion on the need to come to terms with the proposed agreement to allow for the lease of office space. Background checks would be a part of the process.

The publication of the legal notice for Local Law T-1A-2011 was canceled. The Planning Board Members have been solicited and are supporting the draft. The Board took the following action:

**RESOLUTION #74 SET A PUBLIC HEARING FOR LOCAL LAW T-1A-2011**

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

ADOPTED AYES 5 NAYS 0

Resolve to set a public hearing on Local Law T-1A-2011 for May 12, 2011 at 7:00 P.M.

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

**DISCUSSION OPEN ITEMS**

Councilman Mairs reported the advertisement for Dump Days will be submitted to the Genesee Valley Penny Saver. Legislative currently before New York State Representatives will be considered for Board action at a future meeting.

Councilman Cook reported that Kevin O’Hora a Document Workflow Consultant for Eastern Xerox has requested to perform an assessment to possibly save time and money for the Town of Avon. Councilman Cook recommended the assessment be completed and Town Clerk Knight agreed to work with Mr. O’Hora.

Deputy Supervisor Cole reported on the following:

Code Enforcement Officer Lee Rodamaker will be overseeing the required test of our sprinkler system.

He will be speaking at the Landmark Society Annual Workshop in Dansville on April 30<sup>th</sup> to provide information on the Opera Block.

Mary Kate Taylor is the award winner of the Avon Chamber of Commerce Student Service Award. Supervisor’s Secretary Mary Blye will work with the Village to place the order of recognition items.

Supervisor LeFeber reported that he was approached by Tom Vonglis regarding ITS support.

**DISCUSSION - HANDBOOKS**

Supervisor LeFeber reported that we have handbooks from multiple Towns to review for next Thursday’s meeting.

**DISCUSSION – ARTICLE 7**

Attorney Campbell reported that the pending Article 7 is close to an end and the residents are represented by Attorney Peter Skivington.

**DISCUSSION - SOUTH AVON CEMETERY**

Town Clerk Knight asked the Board to consider approving her request to purchase plots in the South Avon Cemetery. The Board will discuss at a future meeting.

**DISCUSSION – VISITOR JOSH WILLIAMS**

Visitor Josh Williams questioned the Board asking if an actual vote that took place regarding the Highway Superintendent’s request. Attorney Campbell responded that there were no motions for there to be a vote.

**DISCUSSION – SALT MINE**

Town Clerk Knight thanked the Board for the opportunity to tour the Salt Mine as a part of Leadership Livingston 2011.

**DISCUSSION – VISITOR ATTORNEY RAYMOND SCIARRINO**

Attorney Sciarrino addressed the Board asking for an update of his request to rent office space. Deputy Supervisor Cole and Councilman Cook offered to provide a tour of the space and would be working with him to move forward on rental of office space.

On motion of Councilman Mairs, seconded by Councilman Cook, the meeting adjourned at 6:36 P.M.

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