

A Regular Meeting of the Town of Avon was held on Thursday, July 14, 2011 at 6:00 P.M. at the Avon Opera Block/Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Councilmen James Blye, Thomas Mairs and Don Cook

ABSENT: Deputy Supervisor Kelly Cole

OTHERS: Attorney James Campbell, Town Engineer Timothy Rock, Water Superintendent Dan Mckeown, Highway Superintendent Tom Crye and Zoning Board of Appeals Clerk/Minute Taker Lisa Anderson

VISITORS: Josh Williams

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 #117 APPROVAL OF MINUTES OF JUNE 23, 2011

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to approve the minutes of June 23rd, 2011

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

DISCUSSION-ATTORNEY REPORT

Town Attorney James Campbell reported that he has had numerous discussions with Worcester and that the recommendation is that the town does not take any actions to execute the bond with Pooler until the town makes an attempt to work it out with Gary Pooler. A meeting is scheduled for July 25th at James Campbell's office with Mr. Pooler to discuss the bond. At that time he will inform Mr. Pooler that the town is holding out for the \$36,000 that was promised. He stated that this money will not complete the job but that it will certainly get the ball rolling. Attorney James Campbell stated that he will give Mr. Pooler one day to speak with whomever he needs and to make a decision. If nothing is decided, the town will have to take action to execute the bond. He further stated that the town should know by Monday or Tuesday after the meeting at the latest.

Attorney James Campbell reported that he has looked into the rental space at the Opera Block and possible renovations. He strongly feels that if the town will own the improvements. Which they would, then it must be considered prevailing wage.

DISCUSSION-ATTORNEY REPORT-continued

Supervisor LeFeber stated that the small amount of rent that the town would receive is not worth the risk. Attorney Campbell seemed to agree and stated that he feels that the town would have to monitor any renovations that a tenant would have done to make sure that they were in compliance with the requirements of prevailing wage.

Attorney Campbell reported that he has had communications with Patrick Duffy of Rochester Telephone and that he has informed Mr. Duffy that the town will need a valid contract and certificate of insurance before they are allowed access to do work for AT&T.

There was discussion about court security and the fact that the Sheriff's Department requires the town to purchase its own insurance policy to cover the deputy while he or she is on duty in the court. Councilman Blye asked if the town should consider looking into private security and Supervisor LeFeber stated that if the town were to consider private security, he would want to advertise for bids to get the best rate. The board seemed to agree that the most cost effective option would be to have the Village Police Department do security. Attorney Campbell stated that he would like to have an agreement with the police department similar to the one that the village has, but would like to tweak it a bit. He feels that the town should make sure that if an officer is working in the court that they are in good standing with the police department and that the agreement should specify that the guard must be a member of the Village Police Department.

**DISCUSSION-MUTUAL AID AGREEMENT WITH HONEOYE FALLS-LIMA
AMBULANCE**

Supervisor LeFeber stated that he feels that the agreement would benefit both towns and that he thinks it is a good idea.

**RESOLUTION #118 APPROVE HONEOYE FALLS-LIMA AMBULANCE
MUTUAL AID AGREEMENT**

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to approve the mutual aid agreement with Honeoye Falls-Lima Ambulance.

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

DISCUSSION - FLOORING REPAIRS IN OPERA BLOCK

There was discussion of the ongoing issues with the flooring in the Opera Block. Code Enforcement Officer Anthony Cappello reported that there is a rug over the damaged flooring but that it needs to be repaired. He further reported that there are other areas that need repair. Councilman Mairs stated that he feels that Marianacci should replace the entire floor, as the town paid good money for it.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Tom Crye reported that they have been laying pipe on Darby Road, doing roadside mowing and have paved the shoulders at Starkey and Wolcott. He also reported that he has received many applications for the open position at The Highway Departments and that many of them are from out of town or do not have the qualifications needed. Supervisor LeFeber stated that the deadline to receive applications is August 27, 2011 and that he and Councilman Blye would like to sit in on the interviews and in addition, he would like a few board members to be present for final interviews.

Tom Crye stated that he would like to recommend Dick Rumfola for the position of Deputy Highway Superintendent.

RESOLUTION #119 APPOINT DICK RUMFOLA TO THE OPEN POSITION OF DEPUTY HIGHWAY SUPERINTENDENT.

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to appoint Dick Rumfola to the position of Deputy Highway Superintendent.

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

RESOLUTION #120 AMEND COMPENSATION SCHEDULE

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to amend compensation schedule to 22.50 per hour for the position of Deputy Highway Superintendent.

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

DISCUSSION-NORTH LITTLEVILLE ROAD CULVERT

Supervisor LeFeber stated that some areas of Livingston County have been declared national disaster areas and that he and Town Clerk Sharon Knight visited Mt. Morris this afternoon to fill out the necessary paperwork to apply for emergency funding for the North Littleville Road culvert. He further reported that on July 26th the county will be visiting the site to assess the damage. Town Engineer Tim Rock stated that he thinks that FEMA will take care of some of the repairs. Supervisor LeFeber stated that he feels that the town should try to get as many funds as possible to make the repairs.

Josh Williams of The Genesee Sun asked Supervisor LeFeber how much money the town has spent to save Littleville Road resident Louie Lee's home. Supervisor LeFeber stated that the town has spent the dollars necessary to repair the roadway to prevent any future damage if there should ever be another storm. He further stated that he would like to have copies of the photos that were taken of the damage. He will check with Town Clerk Sharon Knight to see if she may have the photos in the file or possibly Mr. Lee has them.

DISCUSSION - ENGINEERING REPORT

Town Engineer Timothy Rock reported that he has more information coming regarding Net Metering. He would like to meet with the board to further discuss this if they would be interested. The board all seemed to have interest in pursuing a meeting. Mr. Rock stated that he will be out of town for the next two board meetings so he will set up the meeting with the company and have them come to a board meeting. He also suggested that the town should invite both The Coyne and Mulligan Farms. He stated that the power companies are required to do this as per The Public Service Commission.

DISCUSSION - DICREPANCIES IN ZONING

There was brief discussion about some discrepancies in the current zoning in some areas. Zoning Board of Appeals member Norm Barrett has brought it to the town's attention that one parcel in particular; the Morey building on Rt. 15 has a discrepancy in the zoning map. Town Attorney James Campbell feels that it may need to go to The Zoning Board of Appeals for interpretation and then a final decision would have to be made by the Town Board.

DISCUSSION - WATER REPORT

Water Superintendent Dan Mckeown reported that the first flushing of the hydrants has been completed. He also reported that he is in the midst of meter reads using the new hand held reader and that it seems to be working well.

DISCUSSION-CODE REPORT

Code Enforcement Officer Anthony Cappello reported on the following:

Joel Harper has complained that building permits issued to residents of Harper Park are being issued from the town for a period of one year and he would like the time shortened to 90 days. This is the amount of time he allows residents to complete improvements. Attorney Campbell stated that he feels that if Mr. Harper wants to shorten the time, that would be an internal issue and that it should not involve the town.

Mr. Cappello further reported that he has spoken with Peter Kolokouris of Royal Springs and that he has stated that at this time he has no plans of moving forward with Phase 2 of the development. Supervisor LeFeber stated that eventually he would like Mr. Kolokouris to come in and discuss the undedicated areas of Phase I.

There was discussion of Code Enforcement Clerk Jennifer Sergeant's hours. She would like to request that she would be able to work all day in the code office on Thursdays, and then only in the mornings of Fridays, as the office is very slow on Friday afternoons. The board seemed to agree that it would be okay.

There was also discussion in regards to Code Enforcement Officer Lee Rodamaker's schedule. Mr. Cappello stated that he feels that unless Code Enforcement Clerk Jennifer Sargeant or Zoning Board of Appeals Clerk Lisa Anderson call in for a specific reason, he should not come into the town offices for no reason and then billing the town. Everyone seemed to be in agreement.

RESOLUTION #121 APPROVE PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to approve abstract as follows:

Concerning ABSTRACT of Claims Number 2011-13 including claims as follows:

General Fund	Voucher #263 through #297 in amounts totaling \$8,183.90
Highway Fund	Voucher #120 through #129 in amounts totaling \$12,126.73
Water Fund	Voucher #104 through #112 in amounts totaling \$1929.09
Cemetery Fund	Voucher #1 through #1 in amounts totaling \$500.00
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #7 through #7 in amounts totaling \$930.56

RESOLUTION #121 APPROVE PAYMENT OF BILLS-continued

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 - Absent, Supervisor LeFeber – Aye

RESOLUTION #122 APPROVE BUDGET TRANSFERS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

RESOLVE to approve the following budget transfers:

TOWN OF AVON

PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 7/14/11 MEETING:

GENERAL FUND-TOWNWIDE

		UNANTICIPATED REVENUE	
			\$
<i>Transfer From:</i>	A1090	Int. & Pen. Real Prop Taxes	1,934.00
	A2610a	Cty Fine Reimb	5,400.00
	A3040	Real Property Tax Admin	10,211.00
			<u>\$</u>
TOTAL:			<u>17,545.00</u>
			\$
<i>Transfer To:</i>	A1010.4	Town Board	300.00
	A1460.4	Records Mgmt Grant	25.00
	A5010.1	Hwy Supt Cell Phone Reimb	407.00
	A9710.7	Serial Bond Interest	\$

	16,813.00
	\$
TOTAL:	17,545.00

GENERAL FUND-OUTSIDE VILLAGE

UNANTICIPATED REVENUE		
		\$
<i>Transfer From:</i> B2389	Misc Rev Other Gov't	1,012.00
		\$
	TOTAL:	1,012.00

		\$
<i>Transfer To:</i> B1420.4	Attorney Contr.	1,000.00
		\$
B9060.8	Medical Ins	12.00
		\$
	TOTAL:	1,012.00

HIGHWAY FUND TOWN-WIDE

UNANTICIPATED REVENUE		
		\$
<i>Transfer From:</i> DA2302	Other Gov't. Svc - Snow	4,168.00
		\$
DA2770	Miscellaneous	582.00
		\$
	Unexpended Balance	940.00
		\$
	TOTAL:	5,690.00

		\$
<i>Transfer To:</i> DA5130.1	Cell Phone Reimb	690.00
		\$
DA5142.4	Snow Removal Town Contr.	5,000.00
		\$
	TOTAL:	5,690.00

OPERA BLOCK
UNANTICIPATED
REVENUE

		\$
<i>Transfer From:</i> H3089	Grants	37,000.00

	\$
TOTAL:	<u>37,000.00</u>

<i>Transfer To:</i> H1620.4	Town Hall Contr.	\$
		<u>37,000.00</u>
		\$
TOTAL:		<u>37,000.00</u>

WATER CAPITAL
UNANTICIPATED
REVENUE

<i>Transfer From:</i> HW3089	Grant	\$
		<u>22,876.00</u>
		\$
TOTAL:		<u>22,876.00</u>

<i>Transfer To:</i> HW1420.4	Legal Fees	\$
		7,649.00
		\$
HW8340.4	Construction Contra	13,891.00
		\$
HW9730.7	Interest Payment	<u>1,336.00</u>
		\$
TOTAL:		<u>22,876.00</u>

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

RESOLUTION #123 – APPROVE SUPERVISOR’S AND TOWN CLERK’S MONTHLY BUDGET REPORTS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

Total Local Shares Remitted:	<u>\$1,998.96</u>
New York State Department of Health	<u>\$112.50</u>
NYS Ag. & Markets for spay/neuter program	<u>\$35.00</u>
NYS Environmental Conservation	<u>\$289.10</u>
WATER Fee	<u>\$2,370.27</u>
Recreation Fee	<u>\$1,490.00</u>
TOTAL	<u>\$4,296.87</u>

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

DISCUSSION-CREATING POSITION OF DEPUTY COURT CLERK AND DEPUTY TOWN CLERK

Supervisor LeFeber stated that the county has informed him that positions need to be created for both the Deputy Court Clerk and Deputy Town Clerk that Stephanie Schweitzer is currently filling.

RESOLUTION #124 – CREATE POSITIONS FOR DEPUTY COURT CLERK AND DEPUTY TOWN CLERK

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Deputy Supervisor Cole)

Resolve to appoint Stephanie Schweitzer as Deputy Court Clerk and Deputy Town Clerk

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

DISCUSSION-FORMER HIGHWAY SUPERINTENDENT’S FINAL PAY

Supervisor LeFeber stated that former Highway Superintendent Robert Ayers has contacted him stating that he feels that the town still owes him one week of pay. He stated that he has all the documentation supporting the fact that Mr. Ayers was paid everything he owes, and that, in fact the town has paid him an extra week. He is confident that the town does not owe Mr. Ayers any additional pay. The board seemed to agree.

DISCUSSION-OPEN ITEMS

Councilman Mairs reported that the next two dump days are scheduled for the second Saturdays in September and October. He reported that he will not be available for the September date and asked if anyone else may be available to work on that day. ZBA Clerk/Minute taker Lisa Anderson stated that she would be available if needed. Councilmen Mairs will let her know for sure at a later date.

Councilman Mairs stated that Senator Gallivan would like to attend the Town Board meeting on September 3rd.

Supervisor LeFeber stated that The County Planning Boards has received a grant for conductivity and that a small group will be meeting with Planning Directors to possibly look at Avon.

On motion of Councilman Blye, seconded by Supervisor LeFeber, the meeting adjourned at 7:25 P.M.

Respectfully submitted, _____ by
Lisa Anderson, ZBA Clerk and Minute Taker

And _____
Sharon M. Knight, CMC/RMC, Town Clerk