

A Regular Meeting of the Town of Avon was held on Thursday, September 8, 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 and James Blye

ABSENT: Councilman Thomas Mairs

OTHERS: Highway Superintendent Thomas Crye, Water Superintendent Daniel McKeown, Code Enforcement Officer Anthony Cappello, Engineer Timothy Rock and Town Clerk Sharon Knight, CMC/RMC

VISITORS: Avon Ambulance Representatives Tom Bartolini and Donald Mastin

Supervisor LeFeber called the meeting to order at 6:05 P.M.

Pledge of Allegiance

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

DISCUSSION APPROVAL OF MINUTES

The minutes for August 11th and 25th will be considered at a future meeting. Only two members of the Board in attendance were at the August 11th meeting and the August 25th minutes were just provided to the Board at the beginning of the meeting.

DISCUSSION -ATTORNEY REPORT

Attorney Campbell reported on the following:

A letter was sent certified mail return receipt to Gary Pooler LLC as follows:

KRUK & CAMPBELL, P.C.
ATTORNEYS AT LAW

OFFICIAL RECORD

7312 EAST MAIN STREET
P.O. Box 30 - A
LIMA, NEW YORK 14485
(585) 624-5030
FAX (585) 624-3972

Stephen M. Kruk
James W. Campbell, Jr.

-Associate-
Andrew F. Emborsky

August 26, 2011

Gary L. Pooler
Pooler Realty, LLC
783 Wangum Road
PO Box 436
Fishers, NY 14453

Re: Wolcott Drive and Starkey Drive - Avon Industrial Park

Dear Mr. Pooler:

I am writing to you at the request of the Avon Town Board. At its regular meeting on August 25, 2011, the Avon Town Board discussed the matter of the unfinished road work on Wolcott Drive and Starkey Drive in the Town of Avon. As you know, the Town has been trying to work with you and Kelly Shea of the Landmark Group to determine a timely solution for completing the necessary road work.

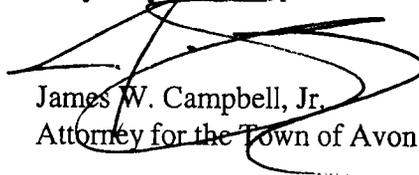
Unfortunately, despite these efforts, you have not provided any proposed solution to this matter. Accordingly, the Town Board passed a resolution on August 25, 2011, whereby notice is to be provided to you with regard to the uncompleted road work on Wolcott and Starkey Drives, for which you have previously provided a Subdivision Bond through Worcester Insurance Company.

Pursuant to that resolution, it is demanded that you complete all unfinished road work, paving, blacktop, curbs, gutters, etc. relating to Wolcott Drive and Starkey Drive within the Town of Avon, by no later than September 30, 2011. All such work must be completed in full conformance with the design criteria and requirements of the Town of Avon, and to the reasonable satisfaction of the Town of Avon Highway Superintendent. In the event that all of the above work is not completed on or before September 30, 2011, you are hereby notified that the Town of Avon will immediately thereafter undertake to complete such work or have such work completed by a third party and the Town will promptly execute its rights to be made whole pursuant to the Subdivision Bond from Worcester Insurance Company, dated May 8, 2001 and bearing Bond No.: BBM051617 (a copy of which is attached).

Gary L. Pooler
Pooler Realty, LLC
August 26, 2011
Page Two

The Town Board hopes that you will complete the necessary road work so that it will be unnecessary to proceed to execute under the terms of the Subdivision Bond. If you have any questions, please feel free to contact me at the above number.

Very truly yours,



James W. Campbell, Jr.
Attorney for the Town of Avon

JWC/J

pc: Avon Town Board
Kelly M. Shea
Landmark Group Brighton
1956 West Henrietta Road
Rochester, New York 14623

SUBDIVISION BOND

BOND NO: BEM051617

KNOW ALL MEN BY THESE PRESENTS, that we Pooler Realty, LLC,

783 Wagon Road, Fishers, NY 14453

as Principal, and WORCESTER INSURANCE COMPANY of Worcester, Massachusetts, authorized to do business in the State of New York and having an office and usual place of business at 910 Perinton Hills Office Park, Fairport, New York 14450, as Surety, are held and firmly bound unto _____

Town of Avon

as Obligees, in the amount of Thirty-Six Thousand, Eighty-Eight Dollars & 00/100 (\$36,088.00*****)

DOLLARS, lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Pooler Realty, LLC,

has agreed to construct in The Avon Industrial Park

Subdivision, in The Town of Avon

the following improvements: _____

Roadway Construction; Wolcott Drive and Starkey Drive, Avon Industrial Park

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall construct, or have constructed, the improvements herein described and shall save the Obligees harmless from any loss, cost or damage by reason of its failure to complete said work, then this obligation shall be null and void; otherwise to remain in full force and effect.

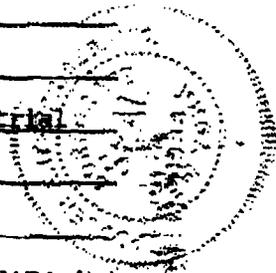
Signed, sealed and dated this 8th day of May 2001.

Pooler Realty, LLC,

By: [Signature] Principal

WORCESTER INSURANCE COMPANY

By: [Signature]
Kelly M. Shea Acting Secy.



DISCUSSION –ATTORNEY REPORT - continued

Formal notification was sent to BERO Architect preserving our rights to resolve the flooring issues. There was discussion on a meeting held last October 2010 that discussed the flooring on the bank side and a memo was sent regarding maintenance of the floor. Another meeting of this type should be held and he is waiting for a response from Kevin Trout from BERO.

An additional letter was prepared and sent to David Henehan, Esq. and follows:

KRUK & CAMPBELL, P.C.
ATTORNEYS AT LAW

7312 EAST MAIN STREET
P.O. Box 30 - A
LIMA, NEW YORK 14485
(585) 624-5030
FAX (585) 624-3972

Stephen M. Kruk
James W. Campbell, Jr.

-Associate-
Andrew F. Emborsky

September 7, 2011

David Henehan, Esq.
Reynolds & Henehan
5579 East Avon Lima Road
Avon, New York 14414

Re: Royal Springs PUD - Phase I

Dear David:

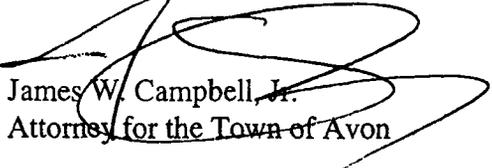
At its August 25, 2011 meeting, the Avon Town Board asked that I communicate with you regarding Royal Springs. Specifically, the Board is interested in the intentions of Mr. Kolokouris with regard to the completion of Phase I.

As you are aware, certain infrastructure of Phase I has not been completed and offered for dedication. This includes certain portions of the roadway, sidewalks, gutters, etc. The Board is also interested in bringing resolution to the issue of the open space requirement of the PUD provisions of the Avon Town Code.

Please review these matters with your client so that his intentions can be communicated to the Town Board. The Board is very interested in finalizing these outstanding issues in a prompt and complete fashion. It is the Town Board's hope that Mr. Kolokouris will appreciate the need to rectify finalize these situations in a timely fashion.

Please do not hesitate to contact me should you have any questions.

Very truly yours,


James W. Campbell, Jr.
Attorney for the Town of Avon

JWC/J

pc: Avon Town Board

DISCUSSION –ATTORNEY REPORT - continued

A letter was mailed from Royal Springs Developer Peter Kolokouris' Attorney Mr. Henehan's office requesting the release of the bond being held by the Town in the amount of \$207,504.94. At this time Mr. Kolokouris is not going to begin work on the next Phase of development in the Royal Springs Development. After Board discussion it was determined a list needs to be developed of unfinished items and provided to Attorney Campbell prior to the next meeting. Also the required offer of twenty percent of dedicated open space has not been offered to date.

A review of the proposed employee handbook was complete. There are a number of issues that are left open and will require Board discussions and decisions. A block of time, possibly two hours, will be needed for the Board to complete their review.

Code Enforcement Officer Cappello reported on an issue with having a veteran's clinic on Little Road. Councilman Blye responded stating the Town of Avon Code allows, but animals can not stay overnight. Dr. Christian is running this type of business as a home occupation.

DISCUSSION –HIGHWAY REPORT

Highway Superintendent Crye reported on the following:

Work completed in the last two weeks includes:

- Rolled all the Avon Central School practice fields.
- Assisting the Town of Caledonia on Maxwell Road
- Assisting the Village of Avon on River Street
- The parks, cemeteries, and roadsides have all been mowed for the holidays.
- Cleaning and performing maintenance on the shop, trucks and other equipment.

Attended a meeting held by the New York State Department of Transportation regarding closing Exit 9 to Exit 11 for a period not to exceed four months. The project is estimated at a cost of four million dollars and will require closing both the North or South bound lanes while work is being performed.

A report of the interview process for hiring a new Motor Equipment Operator was provided and the Board took the following action.

RESOLUTION #138 AMEND THE COMPENSATION SCHEDULE

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

RESOLVE to amend the 2011 compensation schedule starting September 12, 2011 adding the following:

RESOLUTION #138 AMEND THE COMPENSATION SCHEDULE-continued

| <u>Name</u> | <u>Position/Duties</u> | <u>Status</u> | <u>2010 Rate</u> | <u>2011 Rate</u> |
|-------------------|--------------------------|---------------|------------------|------------------|
| Joseph A. McKeown | Motor Equipment Operator | Full Time | \$22.00/hour | \$18.00 per |

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

DISCUSSION CONTINUED – HIGHWAY REPORT

A proposal was provided by Rochester Colonial Supply and provided to Supervisor LeFeber, but not the Town Clerk, at a cost of \$1,727.00 including installation. The Board took the following action.

RESOLUTION #139 ACCEPT A PROPOSAL FROM ROCHESTER COLONIAL SUPPLY

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

RESOLVE to accept the proposal from Rochester Colonial Supply in the amount of \$1,727.00 to replace and install windows at the Highway Barns.

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

DISCUSSION – ENGINEER REPORT

Engineer Rock reported on the following:

He is working on the plans for installation of 2000 feet of water lines on South Avon Road. As part of the installation, Supervisor LeFeber will need to sign the required Livingston County Health Department forms.

Discussion on the North Littleville Road culvert FEMA project took place. To complete the project CHIPS money and fund balance will need to be used.

DISCUSSION – WATER REPORT

Water Superintendent McKeown reported there is a new customer on Route #15. He requested the Highway Department provide a cost estimate to lay water pipe on South Avon Road as he would like to compare it to make sure the Water District is getting a competitive price. All of the materials for the project were purchased by the financial support of USDA.

DISCUSSION - AVON AMBULANCE

Thomas Bartolini and Donald Masten provided the following information to the Board.

They are requesting that the Town Board provide annual financial support to assist their capital reserves.

Discussion included how our towns within Livingston County are handling providing ambulance in their communities.

Currently both the Lions Club and Rotary provide three members each to serve on the Ambulance Board of Directors. A short time ago financial support was requested and both provided donations, but on regular basis no funds are provided.

Consideration was given to host a fund drive but due to the large amount of dollars needed just to break even it was decided not to attempt. For the Avon Ambulance to break even they would need to respond to approximately 1200 to 1500 calls per year and currently they are handling 650 call per year.

Supervisor LeFeber reported that the budget would increase eleven percent to provide the requested \$100,000.00.

DISCUSSION – CODE REPORT

Code Enforcement Officer Cappello provided the following written report:

Building Permits:

A total of 59 building permits have been issued so far this year. See attached report.

Planning Board:

- There was no August meeting due to lack of new applications.
- The Keith Sanders Estate 2-lot/Oak Opening Road subdivision map was reviewed at the 9/7 meeting. The public hearing will be held 10/4/11.
- The Planning Board made a motion for a positive recommendation to the Town Board to add “campground” as an allowed use in the Kemp/Lakeville Road Planned Development District.
- The Planning Board referred Frank Csapo to the Zoning Board of Appeals for an area variance and a setback variance necessary to allow a 2-lot subdivision on Lake Road.

Zoning Board of Appeals:

The ZBA is currently in the process of reviewing existing Special Use Permits for automobile sales/service. They completed the review of Batzel’s Auto and are now working on Mark’s World of Wheels.

Code Enforcement/Zoning:

DISCUSSION – CODE REPORT-continued

The Code Enforcement Department has now received Final Electrical Certificates for 17 of the 32 homes in Royal Springs that received electrical repairs last year.

Additional information included:

The public does not know about roofing regulations and he recommended fines be charged for non-compliance. Not all Towns are complying and this adds to the difficulty of enforcing the regulation.

According to the rules and regulations in Harper Park no additions except for steps can be attached to trailers.

Of the 120 inspections needed in the Town of Avon, very few have been completed by Code Enforcement Officer Rodmaker. The Board recommended that Anthony Cappello serving as the Department Head follow up with this issue. A short amount of time should be given to Officer Rodmaker to produce the inspections.

RESOLUTION #140 PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

Concerning ABSTRACT of Claims Number 2011-17 including claims as follows:

| | |
|---------------------------|--|
| General Fund | Voucher #357 through #377 in amounts totaling \$6,267.17 |
| Highway Fund | Voucher #155 through #158 in amounts totaling \$6491.31 |
| Water Fund | Voucher #133 through #135 in amounts totaling \$1238.55 |
| Cemetery Fund | No Voucher |
| Opera Block Capital | |
| Improvement | No Voucher |
| Royal Springs Lighting | Voucher #9 through #9 in amounts totaling \$934.72 |
| Cross Roads Drainage | No Voucher |
| District | |
| Bruckel Drainage District | No Voucher |
| Royal Springs Drainage | No Voucher |
| Town Of Avon Fire | |
| Protection | No Voucher |
| Water Capital | No Voucher |
| Improvement | |

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

RESOLUTION #141 ACCEPT SUPERVISOR'S AND TOWN CLERK'S MONTHLY BUDGET REPORTS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Mairs)

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

Town Clerk August Report:

| | |
|---|-------------|
| Total Local Shares Remitted: | \$1,381.71 |
| New York State Department of Health | \$90.00 |
| NYS Ag. & Markets for spay/neuter program | \$39.00 |
| NYS Environmental Conservation | \$4,926.44 |
| WATER Fee | \$7,833.88 |
| TOTAL | \$13,214.32 |

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

DISCUSSION – SUPERVISOR REPORT

Supervisor LeFeber reported on the following:

Village of Avon Mayor Freeman requested the Board's support of recognizing a Village Resident. The Board appeared to be supportive of the request.

A request for a Court Audit was received. A proposal was sought from an auditing firm and Councilman Mairs agreed to conduct the audit. The Board appeared to be supportive of having Councilman Mairs perform the audit.

The tentative budget was completed with the help of St. John & Baldwin and is due to be provided to the Town Clerk by September 30th of each year. Some of the highlights are as follows:

The increase in tax assessment was under one million dollars for the first time in at least twelve years, one percent raises, lowered the Supervisor and Board salaries, the Town Clerk did not turn in her budgets (she stated the it was due to a reduction in staff), the Justices salaries were returned to being equal, the North Littleville Road project will require using fund balance, maintenance on the driveway at the highway garage is included, and we only have three more payments of the bond for the highway barns.

DISCUSSION – SUPERVISOR REPORT-continued

St. John and Baldwin recently contacted Supervisor LeFeber to inform him that \$14,000.00 needs to be removed from the tentative budget they are currently working on to stay within the two percent increase restriction.

DISCUSSION – OPEN ITEMS

Councilman Cook reported that he has sent an e-mail to the Board regarding the recreation programs. A request is to add a Ski Club to the Town Budget as the Avon Central School has removed it from their budget. Director McDowell will be requested to come to a future meeting to discuss the details. Schedules for the rest of the year have been determined.

Councilman Blye reported the Planning Board has made a recommendation for the camp ground and the Developer would be contacting Town Clerk Knight to put on a future Town Board agenda.

On motion of Deputy Supervisor Cole, seconded by Councilman Blye, the meeting adjourned at 8:35 P.M.

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