

A Regular Meeting of the Town of Avon was held on Thursday, October 13, 2011 at 6:00 P.M. at the Avon Opera Block/Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Councilmen Donald Cook and James Blye

ABSENT: Supervisor Kelly Cole and Councilman Thomas Mairs

OTHERS: Attorney James Campbell, Town Engineer Timothy Rock, Highway Superintendent Thomas Crye, Code Enforcement Officer Anthony Cappello (arrived at 7:00 P.M.), Historian Maureen Kingston, and Town Clerk Sharon Knight, CMC/RMC

VISITORS: Avon Cemetery Representative Steve Stevenson

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 CEMETERY

Avon Cemetery Representative Steve Stevenson addressed the Board bringing to their attention to a new law adopted that amended the general municipal law by adding a new section that reads as follows:

165-a. Voluntary municipal assistance to public cemetery corporations. Any municipal corporation may appropriate and provide funding to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law. In lieu of or in addition to providing funding to a public cemetery corporation, any municipal corporation may provide goods and/or services to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law.

2. This act shall take effect immediately.

Mr. Stevenson stated that a recent audit was conducted and they brought this to the attention of the eight member Board that volunteer to run the cemetery. Help is given by the Livingston County Sheriff's Department, the Town of Avon Highway Department, and the Village of Avon.

The assistance of these organizations/municipalities helps to keep the cemetery committee able to operate the cemetery. Recently the Town took over the East Avon Cemetery and therefore they are aware of the burden of managing cemeteries when they are turned over to the Town.

St. Agnes Cemetery is not a cemetery governed by the State therefore they follow very different rules such as the requirement to have annual audits.

DISCUSSION CEMETERY-continued

The Town of Avon has assisted in the past by repairing the driveway over the creek. No projects are scheduled at this time, but assistance may be needed in the future.

Supervisor LeFeber thanked Mr. Stevenson for the update.

RESOLUTION #150 APPROVAL OF MINUTES

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (DEPUTY SUPERVISOR COLE AND COUNCILMAN MAIRS)

RESOLVE to approve the minutes of September 8, 2011 as presented.

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

DISCUSSION – MINUTES OF SEPTEMBER 22, 2011

Supervisor LeFeber stated the minutes of September 22, 2011 will be considered at a future meeting as three members of the Board that attended the meeting were not in attendance tonight.

RESOLUTION #151 APPROVAL OF MINUTES

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (DEPUTY SUPERVISOR COLE AND COUNCILMAN MAIRS)

RESOLVE to approve the minutes of October 2, 2011 as presented.

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

DISCUSSION – DEDICATION OF EAST AVON

Historian Kingston reported on the scheduled dedication of the East Avon Historical Marker is to be October 29th at 2:00 P.M. She extended a thank you to Highway Superintendent Crye for its installation. Councilman Cook stated that he would be in China. Livingston County Historian Amy Alden will be in attendance. The County Historian will be hosting a display of the Revolutionary War later in the day.

DISCUSSION – DEDICATION OF EAST AVON-continued

Supervisor LeFeber asked if she wanted to share any additional information. Historian Kingston stated that a person had been coming in as a public service. Volunteer Marcia Skinner continues to provide support to the office. Supervisor LeFeber questioned the issue of room temperature of the Historian's Office. Historian Kingston responded that it is cold in the winter and hot in the summer. A fan being aimed at the thermostat works the best to control the temperature as well as Deputy Supervisor Cole's instructions of the four degree adjustment on the wall. It has been very warm when guests are in the office this summer.

DISCUSSION – ATTORNEY

Attorney Jim Campbell reported on the following:

An e-mail was received from Landmark Group – Insurance Broker that included the following letter and a copy of a check. Work has been planned by the Highway Department to complete the work on Wolcott Drive and Starkey Drive, next week.



1956 W. Henrietta Rd. • Rochester, N.Y. 14623-1308 • Tel: (585) 272-1956 • Fax: (585) 272-7709 • Toll Free: 1-888-277-1956

October 12, 2011

Mr. James W. Campbell, Jr.
Kruk & Campbell, P.C.
7312 East Main Street
PO Box 30-A
Lima, NY 14485

Re: Bond #BBM051617
Town of Avon
Wolcott Drive and Starkey Drive – Avon Industrial Park

Dear Jim:

Pursuant to your letters of August 26, 2011 and October 3, 2011, please be advised that the enclosed Check # 1214, payable to the Town of Avon in the amount of \$36,088.00, represents 100% of the Bond Amount. These funds are to be used to complete the unfinished road work related to Wolcott Drive and Starkey Drive-Town of Avon.

Further, this check represents the full and complete obligation of Pooler Realty LLC and the Worcester Insurance Company in this matter.

If you should have any questions, please do not hesitate to call.

Very truly yours,

Kelly M. Shea
President

cc: Gary Pooler, Pooler Realty LLC
Elaine Kleppinger, Harleystown Group
David L. LeFeber, Avon Town Supervisor

A MEMBER OF



1214
1214
1214

POOLER REALTY, LLC
785 WASHINGTON RD.
FISHERS, NY 14453

10-905
220

DATE: Oct 12, 2011

PAY TO THE ORDER OF: Tom y Aron

Money by Personal Eighty Eight and no

\$ 36,088.00

DOLLARS



Melan

MEMO

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⑆705366⑆1214

DISCUSSION – ATTORNEY-continued

Work continues on the Opera Block/Town Hall flooring with Marianacci Inc.

Discussion on outstanding items in the Royal Springs Development continues to be put together. Engineer Tim Rock has provided information. Highway Superintendent Crye stated some of his concerns that included, but were not limited, to drainage, sidewalks and gutters. Engineer Dennis Willey has designs described as “as built” and they are not much different than the “as built” as requested by the County.

He suggested the proposed handbook be reviewed at a schedule workshop within the next month or so. The Board needs to determine preferences that have been suggested by the consultants. After their preferences are determined the document will need to be sent back to the consultants for review.

Genesee Sun Reporter Josh Williams asked when the handbook document would be available for the public. Councilman Blye responded “When it’s voted on”. Mr. William’s next question was when a vote would be taken. Supervisor LeFeber responded that the vote is expected to be taken shortly after the workshop and then a meeting will be held with the employees. Attorney Campbell stated that there is not even a draft form for the Town of Avon as there are many choices for the Board to make. It’s always nice to make information available. Once the Board has made choices from the document the information could be shared. At this time the handbook is proprietary to the Town of Avon and Public Sector HR Consultants LLC.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Thomas Crye reported on the following:

The mow backs have been completed and they took one full month to complete. Work has been completed on East Lake Road and County Road work including Maple and Pebble Beach Roads.

All parks and cemeteries have been prepared for winter.

Starkey and Wolcott is schedule to be paved.

Getting the trucks ready for snow removal.

The 1997 Ford Truck was taken to Caledonia for diagnosis in preparation of snow removal.

Tires will be needed for a couple of trucks.

Supervisor LeFeber reported that the Town Board is in agreement with the sick and vacation time accumulated during the Highway Superintendent Crye’s service as a Motor Equipment Operator. It was confirmed the payment would be made in 2011.

The contract to replace the windows at the Highway Department was signed and executed but we have not heard anything back yet.

Supervisor LeFeber will be meeting with Mr. Borshoff and Mr. Hayden on Monday at 10:00 A.M. to discuss drainage at Nune Park.

DISCUSSION - ENGINEERING REPORT

Engineer Rock reported on the following

He will be sending to the Liv. Cty Health Department the specs for the installation of the extension of the Route #39 water main.

There was discussion on the need to complete a survey for replacement of the culvert on North Littleville Road and the cost will be \$12,000.00.

The survey would include any tree that is bigger than four inches and then landscaping will need to be done to replace.

Pavement depth will need to be determined. Still looking at a project at a cost of \$300,000.00. The road will need to be closed for a one month period. Temporary easements will need to be secured. A meeting with the residents will be scheduled with Engineer Tim Rock and Highway Superintendent Tom Crye after they have time to review the proposed easement documents. This would affect Don and Linda Moran, Mr. and Mrs. Loughry and Mr. & Mrs. Lee.

DISCUSSION CODE ENFORCEMENT OFFICER

Code Enforcement Officer Anthony Cappello provided the following written report:

Fire Marshal:

The Code Enforcement Clerk has scheduled 14 more fire inspections for local businesses and public assembly spaces over the next two weeks. There remain eight multi-family dwellings to be inspected during November and December. Five businesses have not responded to multiple requests for appointments and final request letters will be sent to those property owners next month by certified mail.

The Avon Town Hall sprinkler system, station pulls and emergency lighting/exit signs are required to be inspected annually. These inspections are currently past due. The Fire Marshal has made several requests for these matters to be resolved, yet the issue remains unresolved.

Code Enforcement/Zoning:

There is a storage shed at 1801 Pole Bridge Road that Code Enforcement Officers have determined to be unsafe. The roof is sagging so badly that the center of the roof ridge can no longer be seen above the exterior walls. The property owner has failed to remedy this situation despite his written correspondence, dated 5/15/09, that it would be removed by July 2009.

The owner will be sent a violation notice by certified mail with instruction to remove the shed immediately. If no action is taken, Anthony Cappello will follow procedures outlined in Avon Town Code Chapter 41 to request the Town Board order its removal.

DISCUSSION - WATER REPORT

Water Superintendent McKeown was not in attendance.

RESOLUTION #152 PAYMENT OF BILLS

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (DEPUTY SUPERVISOR COLE AND COUNCILMAN MAIRS)

RESOLVE to accept for payment Abstract 2011-19 in the following amounts:

Concerning ABSTRACT of Claims Number 2011-19 including claims as follows:

General Fund	Voucher #398 through #443 in amounts totaling \$58,908.29
Highway Fund	Voucher #168 through #175 in amounts totaling \$3,349.38
Water Fund	Voucher #141 through #157 in amounts totaling \$7,051.35
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #10 through #10 in Amounts totaling \$965.54
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 – Absent, Councilman Cook - Aye, Deputy Supervisor Cole - Absent, Supervisor LeFeber - Aye

RESOLUTION #153 RECEIVE MONTHLY REPORTS FROM THE SUPERVISOR AND TOWN CLERK

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (DEPUTY SUPERVISOR COLE AND 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 October from the Supervisor, and the Town Clerk Report as shown below:

Town Clerk September Report:

<u>Total Local Shares Remitted:</u>	<u>\$1,677.03</u>
<u>New York State Department of Health</u>	<u>\$225.00</u>

RESOLUTION #153 RECEIVE MONTHLY REPORTS FROM THE SUPERVISOR AND TOWN CLERK-continued

<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$46.00</u>
<u>NYS Environmental Conservation</u>	<u>\$6,852.57</u>
<u>RECREATION Fee</u>	<u>\$540.00</u>
<u>WATER Fee</u>	<u>\$2,761.39</u>
<u>TOTAL</u>	<u>\$5,283.35</u>

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

DISCUSSION JUSTICE COURT AUDIT

Supervisor LeFeber reported that Councilman Mairs will be completing an audit of the Justice Court in the future.

RESOLUTION #154 SCHEDULE BUDGET HEARING FOR THE 2012 BUDGET

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (DEPUTY SUPERVISOR COLE AND COUNCILMAN MAIRS)

RESOLVE to adopt the following Notice of Public Hearing for the Preliminary Budget of the Town of Avon for the year 2012.

TOWN OF AVON
NOTICE OF PUBLIC HEARING ON THE
PRELIMINARY BUDGET OF THE TOWN OF AVON
For the year 2012

NOTICE IS HEREBY GIVEN that the preliminary budget of the town of Avon for the fiscal year beginning January 1, 2012, including General Town Funds, Highway Fund, Water Funds, Special Districts, Royal Spring Lighting & Drainage District, Crossroads Drainage District, Bruckel Drainage District, Cemetery, Water District Route 39, Ext, and Fire District, will be completed and filed in the office of the Town Clerk of the Town of Avon, 23 Genesee Street, Avon, New York 14414, the tentative budget is available and the preliminary budget will be available for inspection by any interested person during office hours, Pursuant to Real Property Tax Law Chapter 258 & 495, an exemption report is attached to the preliminary budget and includes every type of exemption granted by the taxing authority and the cumulative impact of each type of exemption, the cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services, and the cumulative impact of all exemptions granted. The Town Board of the Town of Avon shall hold a hearing on said preliminary budget on October 27, 2011 at 7:30 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Town of Avon. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained. The following are the proposed 2012 salaries of Town of Avon

ELECTED OFFICIALS:

RESOLUTION #154 SCHEDULE BUDGET HEARING FOR THE 2012 BUDGET-continued

Supervisor	\$12,000.00
Councilman (4)	\$ 4,700.00
Town Justice 1	\$11,783.00
Town Justice 2	\$11,226.00
Town Clerk	\$32,574.00
Highway Superintendent	\$58,580.00

By Order of the Town Board
Sharon M. Knight, CMC/RMC
Avon Town Clerk
DATED: October 13, 2011
PUBLISHED: October 20, 2011

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

DISCUSSION SUPERVISOR REPORT

Supervisor LeFeber reported on the following:

A letter was received from the Court regarding their budget. Justice Piampiano was asked to address the Board in relationship to the letter but was unable to attend the meeting. Supervisor LeFeber stated that as requested there are funds for two people to attend the conference.

Livingston County Election Commissioners have offered to review election districts within each of the Towns in the County. A committee would be formed to include a Village Board Member, Town Board Member, Democrat and Republican Party Chairmen. After Board discussion Supervisor LeFeber appointed Councilman Mairs to serve on the committee. The committee would be considering turning polling sites into "Super" polling sites by reducing the number of Election Inspectors and further opportunities to make reductions in election districts after the Presidential Election. Also, screens will be used at election sites as a tool to improve on privacy concerns.

An updated letter was provided by the Livingston County Personnel Department in regards to the Deputy Town Clerk position. Town Clerk Knight provided legal documents for their review and it was determined by Personnel that a simple resolution could be adopted in addition to a local law or without the resolution or local law the position would become a civil service position. Attorney Campbell suggested letting the Personnel Department know that no action was taken as the Supervisor wants a full board to vote as Councilman Blye was not in favor of adopting the resolution.

Discussion was held with Supervisor Gott and Livingston County Information Technology Dale Nieswiadomy regarding the purchase of a tax program from BAS. Although the Supervisor stated he was in favor of the purchase prior to the discussion he

DISCUSSION SUPERVISOR REPORT-continued

no longer supports the purchase. Town Clerk Knight shared with the Board the advantages of the BAS over the Counties free program would be the ability for property tax payers to make payments with credit cards both in person and electronically and provide electronic access of the actual tax bill. Supervisor LeFeber understands that only three people at the county level would have access to their web based program and they can be trusted. Discussion included the need to have a password that could be traced and the Clerk could change her password once she had been given the initial password, as sharing passwords would not be a requirement. Supervisor LeFeber questioned the need to have a software program as keeping track of what is paid and not paid could be proven with the check receipts of the property owners. Town Clerk Knight stated that the New York State Comptrollers does not support sharing of passwords as currently required by Mr. Nieswiadomy. It was her understanding that a memorandum of understanding has not been developed and there are issues over who will be the developer of the memorandum. Town Clerk Knight thanked Supervisor LeFeber for his research in this matter.

DISCUSSION - OPEN ITEMS

Councilman Cook reported that he will be out of town for the next meeting and would be attending a Water Works Committee meeting next week and that Councilman Mairs could not attend therefore invited another Board member to attend with him.

Councilman Blye requested the Board consider keeping Deputy Supervisor Cole on to serve the Board in a building maintenance position. As time goes the Board could expand their knowledge of the building but at this time there is not anyone else to serve in this position. Two new Board members will begin a term in January and maybe one of them would be interested in the position.

Supervisor LeFeber reported on the many times he has found lights on in the building and doors unlocked. It is his desire to be removed from the demand rate that we are paying for electric service and turning off lights is important.

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

On motion of Councilman Blye, seconded by Councilman Mairs, the meeting adjourned at 8:00 P.M.

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