

A Regular Meeting of the Town of Avon was held on Thursday, November 17, 2011 at 5:00 P.M. at the Avon Opera Block/Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Councilmen Donald Cook and Thomas Mairs

ABSENT: Deputy Supervisor Kelly Cole and Councilman James Blye

OTHERS: Attorney James Campbell, Town Engineer Timothy Rock, Code Enforcement Officer Anthony Cappello, and Town Clerk Sharon Knight, CMC/RMC

VISITORS: Student David Bohlmann and Attorney Chad Haden representing the Borshoff Family

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.

Supervisor LeFeber read the legal notice as follows:

Town of Avon
Legal Notice

The regular meeting time for the November 17, 2011 meeting is changed to begin at 5:00 P.M.. The meeting place will be held at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414.

By order of the Town Board, Town of Avon, Livingston County, New York
Sharon Knight, CMC/RMC Town Clerk

Town of Avon
23 Genesee Street
Avon, New York 14414
Dated: October 10, 2011
Publish: October 20, 2011

DISCUSSION – ATTORNEY REPORT

A thorough review was made regarding questioning the ability of the Town to spend funds to put in water lines in an extended water district using dollars in the General Fund. The results found that borrowing is allowed and can be paid back over time. The costs can be spent from the General Fund and then paid back from the Water Fund. An example would be to charge \$30.00 per year to each of the new water customers for a number of years, until completely paid back.

Mail and key issue – Little is written about who is authorized to open the mail; however, the Official Keeper of the Records is the Town Clerk. There should not be any personal mail delivered to employees at the Town Hall.

DISCUSSION – ATTORNEY REPORT-continued

There was discussion of the locks on the Highway Barns, including the Water Office, PRV stations, tank and tower, Fowlerville Road and on Route #15 and #5/20. Attorney Campbell stated that it is a good idea to have the locks changed occasionally.

A letter was received from Frank Marianacci Inc. that they intend to have a meeting to discuss the lobby floor at the Opera Block/Town Hall on December 1st.

DISCUSSION – ENGINEER REPORT

Town Engineer Rock reported on the following:

The scheduled survey of the North Littleville Road Box Culvert will be picking up the topographic land formations and streams. The survey of Royal Springs Development will include photos of the sidewalks and gutters as well as the topographic areas on the map.

Royal Springs Development, Section V, drainage does not appear to be complete. Other drainage issues include the inlets that are still held-up by 2/4, erosion control, and the pipe has debris that needs to be flushed out. The detention pond should not be holding water and the temporary outlet structure of the pond should have been removed. The outlet structure should not allow the pond to hold water.

The end of Eleni Drive does not have a turn around and this is a concern as the next phase is not expected to move forward. A possible solution would be to add another road from the pavement through the current field to Eleni Court or construct a turn around.

It does not appear that the open space is being encroached by neighboring property owners. There is construction debris. Also, currently a sidewalk on the east side exists but not on the west side as shown on the map.

Drainage issues include mowing the burms, cutting trees, and taking out the temporary filter system. It's recommended by the Town Engineer to have the Highway Department complete the work and charge the Drainage Unit. Changing property tax from a unit charge to an assessment might be a better way to simplify the budgeting process.

All of these items will become a part of the letter Attorney Campbell is drafting and will be reviewed by the Town and Planning Boards prior to mailing.

DISCUSSION – CODE REPORT

Code Enforcement Officer Cappello provided the following written report:

Fire/Property Maintenance Inspections:

DISCUSSION – CODE REPORT-continued

This month, Anthony Cappello issued two Notices of Violation, for properties owned by KART of Avon, Inc., for failure to respond to repeated requests for entry to complete fire inspections. Both properties have now been fully inspected.

This week, Mr. Cappello also completed inspections at the King Cole Bean storage facility on East Avon-Lima Road and at the Lake Country Fracwater Specialists offices on Lakeville Road.

The Avon Town Hall sprinkler system, station pulls and emergency lighting/exit signs inspections are more than a year overdue. The issue remains unresolved.

Code Enforcement/Zoning:

The Code Department is purchasing a digital camera for use in building/fire inspections and to share with ZBA and Planning Board.

The issues with the new driveway leading to the building site of the Loss family residence on Oak Openings Road have been resolved. All slope and grading work has been completed to the satisfaction of the Code Enforcement Officer and the East Avon Fire Chief. Last weekend, the fire trucks took trial runs along the length of the driveway and turn-around without any problems.

Permits:

Eleven building permits have been issued since October 1, 2011. Two more permits are awaiting proof of insurance before they can be approved.

VISITOR ATTORNEY CHAD HADEN

Visitor Attorney Chad Haden addressed the board sharing concerns of the Borshoff Family. A map and photos were shown of the Borshoff property and the water damage that has been occurring. Engineer Rock stated that the Town Board has been aware of the drainage issue and stated that the detention pond in the Royal Springs Development will not fix the entire drainage issue.

There was additional discussion on who should be paying for the removal of the temporary drainage as this should be a part of the installation of the pond not the maintenance of the drainage district.

Engineer Rock is going to send a letter immediately for the needed filter system, as the flooding problems are occurring during heavy rainfall. The overall drainage issues will be added to the combined list of outstanding items of the Royal Springs Development.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Crye reported on the following:

The Highway Crew has been working on installation of snow fence, removing dead trees around town, wedging roads and helped the Town of York for three days.

Supervisor LeFeber read the following legal notice to open the Public Hearing:

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Avon, that a public hearing shall be held by the Town Board of the Town of Avon at the Avon Opera Block/Town Hall, located at 23 Genesee Street, Avon, New York 14414, at 5:15 p.m. on Thursday, November 17, 2011 for the purpose of considering the application of Paul Stevenson who is requesting that the Town Board modify the established permitted uses within the Kemp Planned Development District so as to include a seasonal campground. The parcel of land is approximately 41 acres in area and is located on the west side of Lakeville Road, across from J&A Farm Market and next to the Kemp Motor Coach Facility.

At said public hearing, all persons interested will be heard.

Dated: October 24, 2011

Publish: October 27, 2011

BY ORDER OF THE TOWN BOARD OF THE TOWN OF AVON

SHARON M. KNIGHT, CMC/RMC TOWN CLERK

Supervisor LeFeber asked for any public comments and there were none the following action was taken by the Board.

RESOLUTION #172 CLOSE PUBLIC HEARING

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

RESOLVE to close the public hearing to modify the established permitted uses within the Kemp Planned Development District.

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

RESOLUTION #173 ACCEPT THE USE OF A SEASONAL CAMPGROUND IN THE KEMPS PDD

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

RESOLVE to accept the use of a "Seasonal Campground" as a permitted use in the Kemps PDD, subject to all requirements of Section 130-18 of the Code of the Town of Avon, including but not limited to site plan approval.

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

RESOLUTION #174 PAYMENT OF BILLS

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

RESOLVE to accept for payment Abstract 2011-22 in the following amounts:

Concerning ABSTRACT of Claims Number 2011-22 including claims as follows:

General Fund	Voucher #493 through #504 in amounts totaling \$9,505.05
Highway Fund	Voucher #193 through #199 in amounts totaling \$7,485.72
Water Fund	Voucher #171 through #171 in amounts totaling \$33.98
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	No Voucher
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 #175 ACCEPT LETTER OF RESIGNATION

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

RESOLVE to accept the letter of resignation from Beth Dixon from the position of Avon Representative to the Livingston County Youth Board.

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

RESOLUTION #176 NEW WATER LEVY

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 Blye)

Resolve to accept the revised water re-levy as provided by the Water Clerk as follows:

Town of Avon

Printed on: 11/08/2011 04:53:37

Relevy by District Report

Between Relevy Date(s) 11/01/2011 and 11/01/2011

Water Districts

District Name	Bill Item	Item Type	Relevy Amount
TOAWD	WATER	ARREAR	17,709.07
	WATER	CURRENT	7,402.68
	WATER	PENALTY	2,559.30
	TOAWD District Total:		
TOAWD-ROUTE 39	WATER	CURRENT	32.54
	TOAWD-ROUTE 39 District Total:		
WATER - All Districts Totals:			27,703.59
All Districts Report Totals:			27,703.59

pd. 11/2/11 79.08
 pd. 11/3/11 64.93
 Adjusted Total 27,559.58

M. Blay

pd. 11/14/11 672.11

Adjusted total \$ 26,887.47
M. Blay
 11/14/11

RECEIVED
 NOV 17 2011
 SHARON M. KNIGHT
 TOWN CLERK / TAX COLLECTOR

RESOLUTION #176 NEW WATER LEVY-continued

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

DISCUSSION SUPERVISOR'S REPORT

Supervisor LeFeber reported on a productive meeting held with Senator Pat Gallivan and many small businesses in our Town. Discussions included the ability to train and retain employers, the 2010 census transportation plans, energy costs and a walkable community.

Elmer Davis is schedule to arrive on Friday, Monday or Tuesday to fix the down spout that is causing water entering the Court Office.

On motion of Councilman Cook, seconded by Councilman Mairs, the meeting adjourned at 8:40 P.M.

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