

A Regular Meeting of the Town of Avon was held on Thursday, February 9, 2012 at 5:00 P.M. at the Avon Opera Block/Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, Councilmen Robert Ayers, Jim Blye (arrived at 6:00 P.M.) and Richard Steen.

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

VISITORS: Peter Maurer, Clara Mulligan, Greg Willey, John Holko, Julie Maurer, Zoning Board of Appeals Chairman Robert Westfall, Bruck Clarke, Lynne Mazadoorian, Joe Schill, Malachy Coyne, Marla Palmiter, Lisa Johnson, Tamar Maurer, Luke Crissy, Mike Guenther, Matt Guenther, Margaret Linsner, Esq., Michael Miron, Peter Weston and others

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.

Code Enforcement Officer Anthony Cappello reported on the fire of property on North Littleville Road that does not have insurance. A request was made that would allow Ms. White to return to her property. The Board took the following action.

RESOLUTION #40 TEMPORARY PLACEMENT OF A CAMPER

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

ADOPTED AYES 4 ABSENT 1 (Councilman Blye)

RESOLVE to approve the temporary placement of a camper for use by the property owner for a determined appropriate time period of six months with Board consideration of an extended period of time upon request. Code Enforcement Officer Cappello will be on site to regulate and the camper placement will be in the back of the property.

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

RESOLUTION #41 APPROVAL OF MINUTES

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

ADOPTED AYES 4 ABSENT 1 (Councilman Blye)

RESOLUTION #41 APPROVAL OF MINUTES-continued

RESOLVE to approve the minutes of January 26, 2012 as presented.

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

DISCUSSION – CODE ENFORCEMENT OFFICER

Code Enforcement Officer Cappello provided an overall report on his department as follows:

Permits - Building / Demolition / Pools / Signs

- perform construction inspections to ensure compliance w/ NYS Building & Energy Conservation Construction codes
- issue C/Os, C/Cs / stop work orders
- identify unsafe structures

Zoning

Notice of Violation

Enforcement - Code Violations & Complaints appearance tickets

- deal w/ complaints, ensure compliance w/ site plans / special use permits
- address property maintenance issues
- issue zoning permits
- flood zone interpretations & development permits

Fire Marshal

- Perform fire safety & property maintenance inspections on all multi-family, public assembly & commercial / industrial buildings

NYS Code,
Rules &
Regulations
Art 1203

- operating permits for
 - ① manufacturing / storing / handling hazardous materials
 - ② hazardous processes or activities
 - ③ public assembly bldgs.
 - ④ using pyrotechnics at public assemblies

E-911
(Jennifer)

Local Addressing Official

- responsible for house/bldg numbering assignments by formula calculations
- roadway naming assignments
- maintain local common files & communicate w/ E-911 County Co-ordinator

Planning Board
(Jennifer)

- site plan reviews
- subdivision reviews/redraws
- makes recommendation to ZBA & Town Board re: variances, use permits, rezoning, etc.

ZBA
(Lisa)

- may issue area/setback variances
- appeals of CEO's decisions
- special use & home occupation permits
- code interpretations

Record Keeping
(Jennifer)

- maintain all tax map parcel files containing all permits/documents/etc. over the "life" of the property or structure
- complete Federal & State building census & data collection requests
- respond to FOIL requests

DISCUSSION – CODE ENFORCEMENT OFFICER-continued

There was discussion on the reduced amount of building permits being issued within the Town.

DP Tool is talking about additions to their building.

DISCUSSION – ASSESSOR DEPARTMENT

Assessor Snyder provided an overall report on her department and a portion is as follows:

The position of Assessor is a six year appointment, classes were attended at Cornell University over a two year period, there is a New York State requirement of 24 credit hours per year the state is considering reducing to 12 per year, most classes are 3 credits, classes held within a close proximity are chosen to reduce taxpayer costs for lodging, most class registration costs are provided by the State, the office is open four days per week, there are 2800 parcels including both resident and farming, we are at a one hundred percent equalization rate, February and March we review permits issued by both the Village and Town, splits issued by the Planning Board are prepared and recorded, Clerk works three days and the Assessor three days, an update is completed every four years, review of sales to make sure they are fair market value, all files and tax maps are filed according to the adopted MU1 schedule, seventy-five percent of sales are selling over assessed value, the length of time of sales has increased from nine to twelve months, Avon has maintained values and they are expected to be reduced by small margins.

The Town of Avon is in good shape, however; not all Towns have long term plans. Assessors are being asked to complete more work as Albany no longer has an office. The County has discussed ideas for long term plans, but no definite decisions have been considered. The Town of Geneseo Assessor will be retiring in October which is the middle of an update. According to the State an additional Town could be added to Assessor Snyder's workload. Assessors in the County will pitch in to help Towns within the County.

There was discussion on the projected 2012 Assessment Roll, including the expectation of them to remain flat and the increases in expenditures including retirement costs increases of thirty seven percent. Supervisor LeFeber talked about the lack of new construction in Royal Springs and the cost of retirement is \$81,000.00 with an expected increase of thirty seven percent.

Assessor Snyder stated that she recently learned that the information on her computer is not backed up on our server and this has occurred since 2009. Some information is backed up at the County but not all. Town Clerk Knight questioned if the records were available without having the electronic copy. Assessor Snyder responded stating we do have paper copies, but putting them back on the computer would take a long time if the electronic copy became lost. Town Clerk Knight stated that as the Records Management

DISCUSSION – ASSESSOR DEPARTMENT-continued

Officer for the Town that learning of this over site is of great concern and should be taken care of immediately and Assessor Snyder concurred.

Supervisor LeFeber stated sharing services with other municipalities, becoming more efficient, not spending dollars outside of our budget are important, cutting into reserves could become an issue. Staying within the two percent increase is a goal. Possibly we could save dollars by producing our own electric and energy.

DISCUSSION – ATTORNEY REPORT

Attorney James Campbell reported on the following:

The majority of time has been spent on local law T-2A-2011.

It was proposed to the Board to approve Attorney Campbell sit down with Mr. Heen's Attorney to have discussions on ways to move forward. Supervisor LeFeber reported Mr. Heen would not be attending tonight's meeting. The Board agreed with the proposal.

The copier contract was reviewed but it's understood all the problems have been ironed out and there is no need for Board action and this was confirmed by the Assessor. Supervisor LeFeber stated the problems could have stemmed from the server.

Supervisor LeFeber will contact Mr. Kolokouris to attend a future meeting for discussion on outstand items to be completed in Royal Springs. Also, the need to address drainage continues to be unresolved and affecting Nune Park. Attorney Campbell shared thoughts on Mr. Kolokouris's strong determination that the Town has taken dedication of the gutters, sidewalks and road.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Thomas Crye reported on the following:

Three to four salt runs were completed, assistance was provided to Boy Scout Brian Frail in his work to earning his Eagle badge, picking up garbage on Route #39 Fowlerville Road, fixed driveways, put in driveway pipe, ditched, prepare cemetery gravesite for Larry Morey, started cutting brush, worked in the shop washing trucks and maintained, painted truck rims, touched up rust spots on loader. Further discussion has taken place regarding future allowance for clothing; however it was determined we have a five year contract, signed in 2010. A request to see the contract will be made as it is believed that there is not a signed contract for the Highway Department.

RESOLUTION #42 AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS - 2012

RECEIVED

FEB - 9 2012

TOWN OF AVON
COUNTY OF LIVINGSTON

SHARON M. KNIGHT
TOWN CLERK / TAX COLLECTOR

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, shall be expended as follows:

$\$30,000 + 77,628 = 107,628$
~~42,768.00~~

1. GENERAL REPAIRS. The sum of \$_____ may be expended for general repairs upon _____ miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. IMPROVEMENTS. The following sums shall be set aside to be expended for the improvement of town highways:

(a) On the road commencing at NORTH Littleville Box Culvert and leading to _____, a distance of _____ miles. there shall be expended not over the sum of \$ 300,000.00

Type CONCRETE + RIF + RIF Width of traveled surface _____
Thickness 12 Subbase Floable Fill, plus BINDER + TOP

(b) On the road commencing at SUTTON RD + Rolling Ridge and leading to Rolling Ridge + Sutton, a distance of .5 miles. there shall be expended not over the sum of \$ 29,686.22

Type MICRO Width of traveled surface 28FT
Thickness _____ Subbase _____

(c) On the road commencing at Rotelbuda AT GAS LINE and leading to Henty RD, a distance of 1/4 miles. there shall be expended not over the sum of \$ 20,613.15

Type oil + STONE Width of traveled surface 23FT
Thickness 3/8 STONE Subbase _____

TURN OVER
→

No moneys set aside for such improvements shall be expended, nor shall any work be undertaken on such improvements until the Town Superintendent approves the plans, specifications and estimates for such construction.

This agreement shall take effect when it is approved by the Town Board.

Executed in duplicate this 9th day of February, 2012

David Luber
Supervisor

absent
Councilperson

Thomas Mairs
Councilperson

Robert Ayer
Councilperson

Richard Steer
Councilperson

Thomas Ayer
Town Highway Superintendent

Note: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's office and one in the County Highway Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY

ROAD COMMENCING AT 5+20 + INTERSTATE DRIVE +
5+20 + ATHENA DRIVE ENTRANCES.

A DISTANCE OF 690 FT. $\frac{1}{8}$ mile

SUM OF - 2,050.01

TYPE - oil + stone

WIDTH - 26 FT.

THICKNESS $\frac{3}{8}$ STONE

RESOLUTION #42 AGREEMENT TO SPEND TOWN HIGHWAY FUNDS-continued

Resolve to highway approve the Agreement to spend town highway funds as follows:

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

DISCUSSION – TOWN CLERK

Town Clerk Sharon Knight reported on the following:

The following communications were presented:

- a. Renewal Application Liquor License

A new law was adopted by the State that changes the requirements in regards to filing with Town Clerks. Only new applicants need to file with the Town Clerk, thus eliminating renewals.

- b. E-mail – Wayne F. Warriner, Jr. DVM

Discussion was held regarding the recommendation to perform an annual dog enumeration and Town Clerk Knight was asked to provide a recommendation on the process we could use to conduct an enumeration.

- c. Proposal Virtual Towns & School
- d. Proposal Valley Web Marketing

The Joint meeting agenda includes web site and we have received several proposals that were provided.

- e. Legal Notice & Agenda– February 13th Joint Meeting
- f. Letter & Form – National Grid

An updated Outdoor lighting outage/maintenance report was provided by Nationalgrid for use of customers and those wishing to report outage/maintenance needs

- g. Thank you – Gloria Padgett

A thank you was received for service by the Town Clerk's Office

- h. Letter & Form Liv. Cty Planner – 42nd Anniversary of Earth Day

Nominations are being sought for this award by the County Planning Department

- i. Resolutions – NYS Association of Towns

Continuation of discussion of the resolution prepared and to be considered.

- j. Rob Hoefler – IQM2 Government Meeting Management System

Although it is not recommended to purchase this is being offered to adhere to the new law to provide information.

- k. E-mail Dave Vitti – BAS – Online Backup

Written back-up reports are provided on regular bases by Hurricane as required by BAS.

- l. Mayor Freeman - reappoint – James Schillinger Water Works Committee

RESOLUTION #43 SUPPORT NEW YORK STATE ASSOCIATION OF TOWNS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Blye)

RESOLVE to approve the following:

RESOLUTION #43 SUPPORT NEW YORK STATE ASSOCIATION OF TOWNS-continued

Preserve and Strengthen Home Rule

WHEREAS, since 1894 the Constitution has granted broad home rule powers to local governments and placed corresponding restrictions on the state Legislature to preserve these powers; and

WHEREAS, home rule powers encompass a wide range of subjects including but not limited to: the power to adopt, amend and repeal local laws in the exercise of its functions, powers and duties; the power to share services and act cooperatively with other local governments; the power to acquire real and personal property for its corporate purposes; the power to establish recreational facilities; the power to dispose of its real and personal property; the power to levy and collect rents, charges, fees and penalties in a city, village or town; the power to adopt, amend and repeal zoning regulations; and the power to perform comprehensive or other planning work relating to its jurisdiction; and

WHEREAS, the exercise of these powers permits local governing bodies to meet the unique and diverse needs of local residents while fostering citizen participation and grass roots involvement in government; and

WHEREAS, New York's diverse communities are best served by maintaining the principles of home rule, including those set forth in the state Constitution, Local Government Bill of Rights, Statute of Local Governments and the Municipal Home Rule Law; NOW THEREFORE BE IT

RESOLVED, that the Avon Town Board calls upon the Governor and the Legislature to preserve and strengthen home rule; and BE IT FURTHER

RESOLVED, that the Avon Town Board will strongly oppose any state initiative to weaken or eliminate New York's long-standing tradition of home rule and local government authority.

Publication of Legal Notices

WHEREAS, an informed and engaged electorate is important to the governing process; and

WHEREAS, the electorate is notified of many local government actions by means of the publication of a legal notice in a paid daily or weekly newspaper as defined by Public Officers Law §70-a and General Construction Law, §60(a); and

WHEREAS, studies show a decline in paid local daily and weekly newspaper readership; and

RESOLUTION #43 SUPPORT NEW YORK STATE ASSOCIATION OF TOWNS-
continued

WHEREAS, New Yorkers are increasingly turning to alternative sources of news and information such as the Internet or free community newspapers for local news and information; and

WHEREAS, the intent of required public notice is to increase the likelihood that citizens are well-informed regarding local government actions, finances and plans: NOW THEREFORE BE IT

RESOLVED, that the Avon Town Board calls upon the Governor and the Legislature to amend the General Construction Law to allow publications having a widespread but unpaid circulation within the town to be considered newspapers and to permit towns and other local governments to place legal notices in these local publications.

Road Preservation Securities and Road Use Agreements

WHEREAS, well-maintained roads and bridges are vital to New York State's economy and the quality of life of its residence; and

WHEREAS, many commercial projects or endeavors, including, but not limited to, timber harvesting, wind energy development, mining and natural gas exploration, are depending on local roads and bridges; and

WHEREAS, many of these projects or endeavors require the frequent transport of heavy equipment and loads over local highways, occasionally damaging local roads in the process; and

WHEREAS, most local roads and bridges are not designed to accommodate the weight, volume and frequency of vehicles used in support of a particular project or endeavor; and

WHEREAS, repairs to local roads for damage resulting from use in furtherance of a private project are typically funded by real property taxes; and

WHEREAS, local governments seek express statutory authority to require the sponsors of private projects to pay for damages to roads attributable to the particular project or endeavor, without having to rely on their home rule authority; NOW THEREFORE BE IT

RESOLVED, that the Avon Town Board calls upon the Governor and Legislature to provide express statutory author for local governments to require the posting of road and bridge reconstruction securities to protect local highways from damage attributable to private, commercial projects or endeavors; and BE IT FURTHER

RESOLVED, that the Avon Town Board calls upon the Governor, the Legislature and the Department of Transportation to amend the Highway, Vehicle and Traffic Law and Town

RESOLUTION #43 SUPPORT NEW YORK STATE ASSOCIATION OF TOWNS-
continued

Law to expressly allow governments the authority to require to enter into Road Use Agreements when the proposed project or endeavor will result in road usage that exceeds the normal usage and is beyond the carrying capacity of a road.

Highway, Bridge and Transportation Funding

WHEREAS, a safe and dependable transportation infrastructure network is necessary in order to protect users of New York's roads, bridges and mass transit and to encourage and sustain economic development; and

WHEREAS, the roads and bridges that make up our nation's highway and transit infrastructure are built, operated and maintained through the collaborative financial assistance of federal, state and local governments, with 85 percent of New York's roads and bridges maintained by local governments; and

WHEREAS, the federal "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU) funding program was established to provide federal funding for state and local infrastructure projects and which expired in 2009 but which has been temporarily extended eight times through March 31, 2012; and

WHEREAS, the National Surface Transportation Infrastructure Financing Commission, in its 2009 report "Paying Our Way: A New Framework for Transportation" estimates the total funding shortfall, at all levels of government, to be between \$134 billion to \$194 billion per year just to maintain the current system and \$189 to \$262 billion per year to improve the existing transportation system for the period of 2008 to 2035; and

WHEREAS, the 2010 report "Well Within Reach: America's New Transportation Agenda," estimates that an additional \$134 billion to \$262 billion must be spent annually through 2035 to rebuild and improve America's roads, rail systems and air transportation; and

WHEREAS, the New York State "Consolidated Local Street and Highway Improvement Program" (CHIPS) was established to assist localities in financing the construction, reconstruction, maintenance and improvement of local highways, bridges, highway-railroad crossings and/or other local facilities (Highway Law, §10-c) is subject to annual appropriation; and

WHEREAS, studies of New York's extensive local road system continue to identify a multi-billion dollar shortfall in funding for local highways and bridges; and

WHEREAS, a 2009 State Comptroller report provides that only one-third of the \$30 billion allocated to New York's Dedicated Highway and Bridge Trust Fund has been spent on building and repairing roads and bridges in the state in 1991; and

RESOLUTION #43 SUPPORT NEW YORK STATE ASSOCIATION OF TOWNS-continued

WHEREAS, the Avon Town Board is cognizant of the current financial crisis; and

WHEREAS, according to the Federal Highway Administration, every dollar spent on street and highway improvements results in \$5.40 in economic benefits; NOW THEREFORE BE IT

RESOLVED, that the Avon Town Board calls upon the Governor, the Legislature and the Department of Transportation to maintain CHIPS funding in the 2012-13 state budget and to provide a stable and sustainable funding stream for local infrastructure; and BE IT FURTHER

RESOLVED, that the Avon Town Board calls upon the Governor, the Legislature and the Department of Transportation to continue to provide CHIPS reimbursement for maintenance procedures undertaken to extend the useful life of local transportation infrastructure; and BE IT FURTHER

RESOLVED, that the Avon Town Board calls upon the Governor, the Legislature and the Department of Transportation to fully fund and preserve the Dedicated Highway and Bridge Trust Fund, (DHBTF) for capital infrastructure expenditures and to phase out noncapital expenditures; and BE IT FURTHER

RESOLVED, that the Avon Town Board calls upon the New York Congressional Delegation to renew SAFETEA-LU and to provide an increased and dedicated funding commitment to New York state local and transportation infrastructure projects.

Elimination of the Requirement to Collect State Animal Population Control Surcharge

WHEREAS, New York State is no longer participating in the licensing, registration and tracking of dogs as of January 1, 2011: and

WHEREAS, the entire responsibility and costs for providing said services will be borne by municipalities as of that date; and

WHEREAS, New York State is requiring municipalities to collect a surcharge on all dog licenses in order to fund a statewide animal population control program constitutes an unfunded mandate; NOW THEREFORE BE IT

RESOLVED, that the Avon Town Board calls upon the Governor and the Legislature to amend the Agriculture and Markets Law to authorize municipalities to retain funds collected for animal population control to be used for local programs.

Surcharges to Fund Justice Courts and Town Prosecutors

RESOLUTION #43 SUPPORT NEW YORK STATE ASSOCIATION OF TOWNS-
continued

WHEREAS, town justice courts provide an essential service that is primarily funded by local real property taxes; and

WHEREAS, the state established reimbursement fund (General Municipal Law [GML] §99-1), designed to assist local governments with the operational expenses of justice courts, has not been amended to reflect an increase in operational expenses in more than a decade; and

WHEREAS, the New York State Police have discontinued the practice of prosecuting the plea-bargaining traffic violations in town justice courts, placing a burden on local governments to provide prosecutors for traffic violations, further increasing operational expenses of the court; NOW THEREFORE BE IT

RESOLVED that the Avon Town Board requests legislative action to increase GML, §99-1 reimbursement fees to assist local taxpayers in funding justice court operational expenses; and BE IT FURTHER

RESOLVED that the Avon Town Board requests legislative action to establish a new surcharge to maintain the office of town prosecutor thereby reducing the expense to town taxpayers.

Preserve Dedicated Funds for Local Purposes

WHEREAS, New York State has established various funds and fees for specific purposes including but not limited to:

- Environmental Protection Fund, which is primarily funded through real estate transfer fees, to provide a dedicated fund for to support municipal parks, municipal recycling programs and control of water pollution, and open space conservation;
- Local Government Records Management Improvement Fund, which is primarily funded via recording fees, with intended purpose of supporting local government records management, technical and training;
- Dedicated Highway and Bridge Trust Fund, which is funded in part by taxes and fees on motor fuel, highway use and petroleum businesses, established to provide a fund for bridge and highway capital improvements; and
- Code Enforcement Aid, which is funded by a fee on commercial insurance funds, established to provide funding to municipalities for enforcement of the State uniform fire prevention and building code; and

WHEREAS, such state funding streams assist local governments in funding compliance with various state mandates, local services and local programs; and

RESOLUTION #43 SUPPORT NEW YORK STATE ASSOCIATION OF TOWNS-continued

WHEREAS, the use of such funds have helped reduce the burden on the real property taxpayer; and whereas recent practices such as budget “sweeps” of these accounts have diverted these funds to state purposes thereby shifting the burden onto the real property taxpayer; and

WHEREAS, the Governor and Legislature have called for a reduction in the real property tax burden and imposed a cap on property taxes; and

WHEREAS, cessation of the budget practice of “sweeping” these appropriation accounts would be consistent with the state’s efforts to reduce the real property tax burden, grow our economy and improve the quality of life for New Yorkers;

NOW THEREFORE BE IT RESOLVED, that the Avon Town Board urges the Governor and the Legislature to use revenue collected for dedicated purposes for their intended purpose and to stop depleting dedicated funds and appropriations which were established to fund various local government programs and services.

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

DISCUSSION – WATER REPORT

Water Superintendent McKeown reported on the following:

Meter reading has been completed, money is coming in.
South Avon water line has been installed, pressure and chlorination test have been completed.
Connection to the house is being completed.
Once tests are approved the water will be turned on to the house.
Hurricane is still working on computer issues. Getting responses from SEMINS have been difficult.

Assessor Snyder reminded Supervisor LeFeber of the need for the lists of properties in the Route #39 area as the deadline for filing an assessment roll is March 1, 2012.

COUNCILMAN BLYE ARRIVED 6:00 P.M.

DISCUSSION – ENGINEER REPORT

Town Engineer Timothy Rock reported on the following:

The soil on South Avon Road was not found to have shale rock and the installed line shall last for some time.

DISCUSSION – ENGINEER REPORT-continued

Discussion on the North Littleville Road culvert continued. Preliminary plans have been drawn up. A review of the plans needs to take place with Mr. Lee, Supervisor LeFeber, Councilman Ayers and Engineer Rock. Councilman Steen will contact Mr. Lee in regards to deeds and other documents. The joint application will need to be filed with the New York State Department of Conservation within the next week.

The following information was prepared and presented by Engineer Rock:

9. Project Description and Purpose

The project is the replacement of the failed culvert at North Littleville Road, over Little Conesus Creek (Ont 117-40-1). The existing culvert sits on bedrock and is 15 feet wide, and ten feet high, with a water surface area of 150 square feet (sq ft). The culvert north wing wall collapsed during the Spring 2011 storm events. FEMA visited the site, and provided the Town with some funds to temporarily patch it with gabions. The gabions allow water to continue behind the north abutment wall, that will eventually cause it to collapse. Hurricane Agnes (1972) also damaged the culvert. The guide rails on North Littleville Road are not able to be securely attached to the existing culvert, so they would not hold back a car in the event of an accident. Additionally, the oxbow of Little Conesus Creek, 90 feet upstream, directs flood water at the shale bank under the home at tax account number 034.017-017-001-035. The fractured shale bank has lost several feet of depth, due to erosion in the last few years. The stream has an average slope of 0.0117 Ft/Ft.

The project to replace the culvert will include a foundation that is hoe-rammed six feet into bedrock to provide an adequate anchor for the two walls, as recommended by a Geologist who analyzed the boring taken for the project. The alignment will be the same as the existing culvert. A precast concrete arch, 47 feet long, 16 feet wide, by 11 feet high, and 167 square feet of cross sectional area, will be set on poured in place concrete foundation walls. This cross sectional area is larger than the existing culvert, and the culvert upstream (discussed below). Pinned rip-rap (3' x 3' x 2' thick) will be placed along the stream banks to direct the water into the culvert. The south side of the pinned rip-rap will extend 130 feet to add protection through the oxbow, to protect the bank under the home. The rip-rap will be approximately four feet high, with the stone placed in a running bond, on top of the bedrock.

An existing 106 feet long, 18 feet wide by 11 feet high arch culvert is through the railroad embankment, 470 feet upstream of the North Littleville Road culvert. The railroad culvert has a cross sectional area of 157 sq ft. The greater than 40 feet high railroad embankment effectively acts as a dam, restricting Little Conesus Creek flow to the flow

rate that can pass through the culvert. The maximum flow rate through the culvert is calculated at 32.7 ft/sec using Manning's Formula. Theoretically, up to 3,600 cfs would then be able to flow out of the culvert. The property that is between the two culverts is a low lying lot only a few feet of elevation above the stream. Water can form a temporary pond, when stream flow overflows the banks. The lot acts as a detention pond, in effect. This condition will continue in the future.

DISCUSSION – ENGINEER REPORT-continued

The project will be constructed primarily with the Town Highway Department personnel. The Town may hire a Contractor to install the precast culvert sections.

RESOLUTION #44 NEGATIVE DECLARATION AND AUTHORIZE SUPERVISOR TO SIGN

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the short form SEQR was reviewed and there was a *Negative declaration and authorize supervisor to sign as the Board* has determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impact.

Project I.D. Number

617.20
Appendix C

SEQR

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR Town of Avon		2. PROJECT NAME North Littleville Road Culvert replacement	
3. PROJECT LOCATION: Municipality <u>Town of Avon</u> County <u>Livingston</u>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) North Littleville Road at Little Conesus Creek, adjacent to tax parcel 034.017-0001-035			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: Culvert replacement, that includes rip-rap and 200 feet of road reconstruction The new culvert will be a 16 feet wide by 11 feet high precast concrete arch			
7. AMOUNT OF LAND AFFECTED: Initially <u><1</u> acres Ultimately <u><1</u> acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input checked="" type="checkbox"/> Other Describe: existing culvert			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals NYSDEC & USACOE Stream Disturbance			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <u>David LeFeber, Supervisor</u>		Date: <u>2/6/2012</u>	
Signature: _____			

If the action is in the Coastal Area, and you are a state agency, complete the
Coastal Assessment Form before proceeding with this assessment

OVER

1

PART II - ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.4? another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If No, a negative declaration may be superceded by</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p>	
<p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">No impact</p>	
<p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly.</p> <p style="text-align: center; font-size: 1.2em;">No impact</p>	
<p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly.</p> <p style="text-align: center; font-size: 1.2em;">No impact</p>	
<p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.</p> <p style="text-align: center; font-size: 1.2em;">No impact</p>	
<p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.</p> <p style="text-align: center; font-size: 1.2em;">No impact</p>	
<p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.</p> <p style="text-align: center; font-size: 1.2em;">No impact</p>	
<p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.</p> <p style="text-align: center; font-size: 1.2em;">No impact</p>	
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly.</p>	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or references supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/>	Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.										
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination.										
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Name of Lead Agency</td> <td style="width: 50%; border: none;"></td> </tr> <tr> <td style="border: none;">David LeFeber</td> <td style="border: none;">Supervisor</td> </tr> <tr> <td style="border: none;">Print or Type Name of Responsible Officer in Lead Agency</td> <td style="border: none;">Title of Responsible Officer</td> </tr> <tr> <td style="border: none;">Signature of Responsible Officer in Lead Agency</td> <td style="border: none;">Signature of Preparer (If different from responsible officer)</td> </tr> <tr> <td style="border: none; text-align: center;">Date</td> <td style="border: none;"></td> </tr> </table>		Name of Lead Agency		David LeFeber	Supervisor	Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer	Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)	Date	
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Date											

**RESOLUTION #44 NEGATIVE DECLARATION AND AUTHORIZE
SUPERVISOR TO SIGN-continued**

Vote of the Board: Councilman Ayers - Aye, Councilman Steen- Aye, Councilman Blye - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

**RESOLUTION #45 ACCEPT AND SUBMIT AN APPLICATION TO THE NEW
YORK STATE UNITED STATES ARMY CORPORATION OF ENGINEERS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept and submit the following application to the New York State United States Army Corps of Engineers.