

A Regular Meeting of the Town of Avon was held on Thursday, May 10, 2012 at 7:00 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 and Richard Steen

OTHERS: Town Engineer Timothy Rock, Highway Superintendent Thomas Crye, Water Superintendent Daniel McKeown, Attorney James Campbell (arrived at 7:15 P.M.), Code Enforcement Officer Anthony Cappello, Assessor Tami Snyder, and Town Clerk Sharon Knight, CMC/RMC

VISITORS: Cheryl C. Tallman, Doug Lyons, Linda Lyons, Lisa Dean, Kevin Lyons and Kay Lyons

Supervisor LeFeber called the meeting to order at 7:00P.M.

Pledge of Allegiance

**RESOLUTION #92 APPROVAL OF MINUTES OF APRIL 12, 2012**

On motion of Supervisor LeFeber, seconded by Councilman Ayers, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of April 12, 2012 as presented.

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

**RESOLUTION #93 APPROVAL OF MINUTES OF APRIL 26, 2012**

On motion of Councilman Blye, seconded by Councilman Steen, the following resolution was ADOPTED AYES 4 NAYS 0 ABSTAIN 1 (Deputy Supervisor Mairs)

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

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

**DISCUSSION – PUBLIC COMMENTS**

Supervisor LeFeber asked for any public comments and Ms. Johnson and Mr. Todisco addressed the Board with their concern of a pond that continues to erode property owned by Ms. Johnson. The property is located on Bronson Hill Road. The flow of water is preventing them from being able to sell the property. The pond has been there for a long time and used to drain but does not anymore. The neighbor that owns the property that houses the majority of the property is Mr. Streeter. It was determined that generally municipalities do not take action on these types of

**DISCUSSION – PUBLIC COMMENTS-continued**

issues. As the pond is on two properties it was suggested to contact the other property owner to schedule a meeting to discuss. It appears this situation is a sticky wicket.

Mr. Lyons addressed the Board regarding his March 8<sup>th</sup> letter of intent to change the zoning map concerning the real property located and known as 5611 East Avon-Lima Road also known as Tax Map Parcel Number 35.10-1-1. The proposed zoning change being requested is from its current B-1 designation to the designation of R-1.

Discussion included the following:

The history of the zoning of the property

The back yard was changed into a parking lot so there is only one driveway that is used for both entering and leaving the property, as the church blocked off the exit in the back

Code Enforcement Officer Cappello reported on improvements that have been made and that the East Avon Plaza will be sold in the near future and will provide retail space

Assessor Snyder stated that a neighbor has expressed an interest in purchasing the property if it is changed to residential zoning.

Attorney James Campbell stated for the record that he has represented Mr. Lyons in the past

The property owner has had the property on the market for three years

The Board took the following action:

**RESOLUTION #94 DIRECT THE ATTORNEY TO DRAFT LOCAL LAW T-3A-2012**

On motion of Councilman Mairs, seconded by Councilman Steen, the following resolution was ADOPTED AYES 4 NAYS 1 (Councilman Blye)

RESOLVE to direct Attorney Campbell to draft local law T-3A-2012, prepare a legal notice and send referral to the County Planning Board, Town Planning Board and Zoning Board of Appeals to consider changing the zoning of tax parcel 35.10-1-1 from its current B-1 designation to a new zoning designation of R-1.

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

**DISCUSSION-SOUTH AVON CEMETERY**

The family of Mr. and Mrs. Hanna addressed the Board with their request to allow for burial in the South Avon Cemetery. Town Clerk Knight provided the following research:

*SOUTH AVON CEMETERY RESEARCH*

**DISCUSSION-SOUTH AVON CEMETERY-continued**

*At a New York State Conference I attended a workshop on municipal cemeteries and learned that Municipal Cemeteries that had not been selling plots could start selling plots by resolution of the Town Board. Information was provided to me to contact our New York State Department of State Representative Cindi Craig. Through an email Cindi did find the South Avon Cemetery in a list of cemeteries in the Buffalo Office that was put together prior to 1987. The noted was dated March 16, 1950 as per Gene Todd.*

*Cindi's email stated that the cemetery is under the jurisdiction of the Town Board and the Board can decide by itself whether or not it chooses to continue to sell new graves and allow those interments.*

*The only obligation of the Town to the cemetery association was it had to honor those interments requested prior to the time of conveyance.*

*On May 16, 1983 a request was received from resident Kenn Blakely to purchase a plot in the South Avon Cemetery.*

*On October 13, 1983 the Town Board adopted a resolution that follows:*

*RESOLVED that the Town Board through the office of the Town Clerk shall permit purchase of lots in any cemetery under its jurisdiction where said lots are available at a charge of \$250.00 per cemetery lot.*

*BE IT FURTHER RESOLVED that the costs of interment including grave opening and closing, suitable seating and marking shall be performed by the owner or his heirs or legal representative.*

*BE IT FURTHER RESOLVED that the Town Clerk shall cause to be made a survey of the available lots in each of the cemeteries under the jurisdiction of the Town.*

*In 2002, a combined list of the South Avon Cemetery was put together by the Avon Preservation & Historical Society and includes a map.*

*On January 13, 2011 a request was made to the Board to approve the purchase of plots in the South Avon Cemetery. Follow up was provided on February 10th, February 24th, March 10th, and on April 14th the Curator of the Avon Preservation & Historical attended a meeting and provided a map and the following:*

**INSERT**

SOUTH AVON CEMETERY  
Combined list 2002

NAME	RELATIONSHIP	BORN	DEATH	AGE	NOTES
ABBEY, FIDELIA	d. LYMAN & HANNAH		10-14-1837	16 yrs	
BACON, HANNAH M	d. E & R BACON		09-29-1853	19 yrs.	
BARNUM, SAMUEL			06-20-1834	43 yrs.	
BIDWELL, LUTHER			06-03-1838	43 yrs.	
BLAKELY, KENNETH		03-30-1913	03-03-1992	78 yrs.	
BLACKMAN, GEORGE	s. SPALDING & CAROLINE		07-22-1849	16 yrs.	
MILES	s. SPALDING & CAROLINE		06-15-1839	3 yr 9mo.24d	
BOARDMAN, JULIA W.	d. ELIZUR R. & HARRIET		03-21-1834	6 yrs.	
BOUGHTON, MARIAH	d. JARED S. & ELIZA		04-26-1837	1 yr.	
REV. WILLIAM			04-26-1828	47 yrs.	
BOYD, ALFRED	Parents, Robert & Mary	1875	1940		
MARY		1840	1915		
BROWN, INFANT	s. CHAUNCEY & REBECCA		07-15-1827	5 days	
ALBERTA	d. CHAUNCEY & REBECCA		01-28-1839	8 mon.	
BRYAN, GEORGE	s. CH & NA				
CASE, BETSEY N. [Waterous]	w. STEPHEN	11/6/1827	07-18-1841	63 yrs.	
DAVIS, WILLIAM	s. P. & O.		02-28-1841	10 mon.	
CAROLINE	d. J. & S.		02-11-1842	3 yrs.	
IRENA C.	d. LOREN & ANN		10-03-1863	5 yrs.	
DEMING, MARANA	w. ROSWELL	1820	03-03-1841	40 yrs.	
BENJAMINE			11-11-1840	73 yrs.	FLAG
FANNY	w. BENJAMINE		12-30-1854	84 yrs.	
ANDRES	w. ELIZA [Avon cem.]	11-1760	11-15-1827	67 yrs.	FLAG
CAROLINE	d. ROSWELL & MARANA		01-30-1837	2 mons.	
CATHERINE	d. ROSWELL & MARANA		01-30-1837	2 mons	
DUNN, HENRY		1827	1889		
RUTH [Ellis]		1825	1894		
ANNIE A.	d. HENRY & RUTH	06-19-1866	04-22-1884		
LILLIE E.	d. HENRY & RUTH	06-11-1865	09-25-1865		
HERBERT	s. HENRY & Ruth				
ELIZABETH [Dunn]	d. HENRY & RUTH	1860	1917		
GEORGE	h. ANNA DOLEN	1868	1903		
ANNA DOLEN	w. GEORGE	1868	1896		
ELLIS, REBECCA	w. HIRAM		12-07-1835	38 yrs.	
INFANT DAUGHTER	d. HIRAM & REBECCA		12-20-1835	16 days	
FRIDD, GEORGE	h. MARIA H.		04-01-1906	83 yrs.	
MARIA [Hubbard]	w. GEORGE		05-03-1880	70 yrs.	
OLIVE M.	d. GEORGE & MARIA H.		03-11-1854	12 / 16 mon.	
FULLER, JOEL	b. Conn.	10-24-1782	01-30-1830	47 yrs.	FLAG
MEHETABLE SPINKS	w. JOEL b. Conn.	06-04-1785	01-08-1867	81 yrs.	
ELIJAH			01-18-1835	85 yrs.	
ABIGAIL KELLOGG	w. ELIJAH		03-12-1824	65 yrs.	
INFANT	Dau. of C & A Fuller		03-26-1838	7 mons.	
HATHAWAY, PERCY	w. DANIEL		09-24-1835	18 yrs.	
HELEN	d. DANIEL & PERCY				
INFANT	d. DANIEL & PERCY				
ANAH	w. WANTON		06-02-1841	52 yrs.	
HAWLEY, HIRAM E.	s. JAMES & MARIA		09-08-1856	8 mon.	
MARIAH ELLIS	w. JAMES	1827	05-03-1894	70 yrs.	
JAMES	h. MARIAH ELLIS	1806	1893		

# SOUTH AVON CEMETERY

## Combined list 2002

NAME	RELATIONSHIP	BORN	DEATH	AGE	NOTES
HENTY, JAMES infant	s. HORACE & FRANCES		1880		
ELMER infant	s. HORACE & FRANCES		1890		
HOOKER, ROBERT	h. SUSANNAH	8/30/1797	10-24-1879	82 yrs.	Obit
SUSANNAH [2 <sup>nd</sup> wife][King]	w. ROBERT & WM. FRIDD		01-25-1878	83 yrs.	
HOGMIRE, ELIZABETH	w. SAMUEL [2 children]		05-04-1837	50 yrs.	
HUBBARD, ERASTUS			09-04-1865	60 yrs.	
GILES	h. RUTH [REBECCA]		02-14-1813	47 yrs.	
{Rebecca} RUTH [Carrier]	w. GILES		04-24-1863	95 yrs.	
ARISTARCHUS	h. MARTA W.		10-23-1829	28 yrs.	
MARTA W.	w. ARISTARCHUS		06-05-1827	25 yrs.	
RUTH			02-07-1813	10 yrs.	
JOSEPH C.			10-04-1819	24 yrs.	
SAMUEL Adams		2/20/1799	06-20-1853	53 yrs.	
SARAHANN[Merwin]	d. SAMUEL	4/20/1800	1823	3 yrs.	
ISHAM, INFANT	Infant child of C.T. & M		11-15-1831		
KIBBE, BETSEY	w. CHARLES E.		06-01-1844	30 yrs.	
KELLOGG, HENRY	s. JUSTIN & JULIA ANN		02-14-1831	2 / 21 mon.	
JOHN	b. Colchester, Conn.	11-29-1792	05-06-1877	84 yrs.	
MARTHA[Deming]	w. JOHN		07-14-1885	83 yrs.	obit
JOHN ?	s. JOHN & MARTHA		11-02-1830		
HORACE	s. JOHN & MARTHA		09-03-1830	8 mon.	
HENRY	s. JOHN & MARTHA		01-12-1830	2 days	
EBENEZER			04-17-1825	69 yrs.	
AMY	w. EBENEZER		05-30-1833	77 yrs.	
AMOS			08-19-1855	70 yrs..	
BETSY E.	w. AMOS		03-31-1869	76 yrs.	
NORMAN J.			03-15-1853	35 yrs.	
PRUDENCE			03-07-1873	86 yrs.	
NATHANIEL			05-31-1863	74 yrs.	FLAG
CHARLES	h. LYDIA		12-23-1849	77 yrs.	
LYDIA	w. CHARLES		03-20-1860	87yrs.	
TITUS H.	s. CHARLES & LYDIA		12-04-1826	19 yrs.	
HORACE			02-12-1830	33 yrs.	
CHARLES F.	s. JULIUS & MARY		05-24-1876	21 yrs.	
LOOMIS, AMY	w. JACOB		01-11-1832	38 yrs.	
W. H.	s. JACOB & AMY		05-10-1830	3 yrs.	
AMY	d. JACOB & AMY		03-05-1832	8 mons.	
ELONSO	s. SAMUEL	12-20-1812	08-09-1829	17 yrs.	
NANCY	CONSORT of SAMUEL		12-24-1819	31 yrs.	
LOW, WILLIAM P.	h. PRUDENCE	10-15-1823	09-20-1903	79 yrs.	
PRUDENCE A. [Fuller]	w. WILLIAM	10-29-1824	06-28-1902	77 yrs.	
LANA A	d. only child of WM. & P	08-14-1858	01-31-1865	6 yrs.	
MATHER, JOHN C.	h. of BETSEY E.		12-01-1877	70 yrs.	
BETSEY E.	w. of JOHN C.		08-09-1892	81 yrs.	
SIDNEY W.	s. JOHN & BETSEY		04-03-1838	4 yrs.	
AUGUSTUS E.	s. JOHN & BETSEY		07-28-1858	14 yrs.	
MATTHEWS, SARAH	w. W.K.		03-03-1869	76 yrs.	
McCLENNAN, DAVID			04-08-1844	46 yrs.	
MEAD, JOSEPH			04-23-1853	29 yrs.	
MILLER, SETH	h. MARTHA		09-08-1844	79 yrs.	
MARTHA [Tilden]	w. SETH		06-15-1846	74 yrs.	



**DISCUSSION-SOUTH AVON CEMETERY-continued**

*Follow up continued for a few more meetings with no action of the Board. Councilman Blye visited the cemetery and suggested others visit prior to Board action.*

The items discussed include graves that are not marked and there are stones in the hedge row.

The Board appeared to approve Engineer Rock to prepare a request for proposal that would allow for a contract with a ground archeologist to scan both the South Avon and Pole Bridge cemeteries as a first step.

**DISCUSSION- PUBLIC COMMENTS**

Kevin and Kay Lyons addressed the Board with the following concerns:

They purchased their home in June of 2010 and were told by the Realtor in a short time additional homes would be built, however; no additional homes have been built. They shared several concerns such as the need to remove construction debris, the length of time property can be considered a construct site, and the condition of many sidewalks and trees. The following petition for clean-up of the south end of Athena Drive follows:

**INSERT**

Anthony Cappello  
Code Enforcement Officer  
Town of Avon  
23 Genesee St  
Avon, N.Y. 14414

Kevin + Kay Lyons  
1806 Athena Dr  
Avon, N.Y. 14414

RECEIVED  
MAY 10 2012  
SHARON M. KNIGHT  
TOWN CLERK / TAX COLLECTOR

RECEIVED  
MAY 10 2012  
SHARON M. KNIGHT  
TOWN CLERK / TAX COLLECTOR

Dear Mr. Cappello,

We are writing to provide you with more detailed information about the problems in our development, Royal Springs,

We live at the end of Athena Dr (next to the last house on the right,) where the street ends, there is an open area that is partially gravel, this area has become a collection spot for junk. There are lots of branches and other vegetation debris, old boards, broken pieces of concrete, pieces of old fences, and just plain trash,

Behind us, on Eleni Dr. at the culdesac, is the worst area in the development, it is just like a junkyard,

There are pipes, hoses, boards,  
cinderblocks, tires, parts of  
equipment, bricks, piles of  
gravel, piles of mulch, several  
areas of hardened concrete,  
and just plain junk.

Last spring, we spent \$3500  
on a fence to block out this  
eyesore, but we can still see  
it from our house and deck.

Our understanding is that there  
are no longer permits to  
develop phases II and III, we  
can see that no more lots have  
sold since we moved here in

Sept. 2010. Also, all of the  
construction equipment appears  
to be sold, so, the area behind  
us is ~~not~~ a construction  
site, it's a junk yard.

We are our neighbors did not  
"sign up" to live near a junk-  
yard. So please help us.

739-4403

Sincerely,  
Kevin + Kay Lynn

Petition of the  
for clean up of the  
south end of Athena Dr.

Residents

Address

Kau Lyons

1806 Athena Dr. Avon

Michelle Gerwig

1804 Athena Drive Avon

Carol Foster

1805 Athena Dr. Avon

Kathy Lyons

1799 Athena Dr

Scott Ayl

1802 Athena DR. Avon

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1807 Athena Dr Avon

Pam Gulman

1808 Athena Dr Avon

Wendy M. Stan

5708 Yanni Ct. Avon

Justyna Owczarj

1790 Athena Dr. Avon

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**DISCUSSION- PUBLIC COMMENTS-continued**

The Board shared their efforts to date to have these issues settled included setting up a meeting for continued discussion with the Developer.

**DISCUSSION TOWN BOARD MINUTES OF MARCH 22, 2012**

Supervisor LeFeber reported of a request to make changes to the adopted March 22, 2012 minutes. The Board took the following action.

**RESOLUTION #95 AMEND APPROVAL OF MINUTES OF MARCH 22, 2012**

On motion of Councilman Ayers, seconded by Councilman Steen, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of March 22, 2012 as presented, with the extraction of discussion of Judy Falzoi.

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

**DISCUSSION – ASSESSOR REPORT**

Assessor Snyder provided the following written report.

*ASSESSOR DEPARTMENTAL REPORT  
May 2012*

*The 2012 Tentative Roll was filed May 1, 2012.*

*I changed the property values on approximately 180 of the building permits along with other miscellaneous field work for Town and Village of Avon. We had 20 splits and merges of parcels for the 2012 roll. Normally on any given year we see approximately 8-10 split/merges. I believe the increase was in the amount of farmland that was sub-divided.*

*We are currently preparing for Grievance Day which is Wednesday, May 23, 2012. Our Board of Assessment Review will be made up of 4 members this year rather than 5. Two of these four are new members, they have completed the required training and I believe are ready for the task at hand on Grievance Day. Lisa Anderson will be the Board of Assessment Review Clerk again this year taking minutes for us.*

*Regarding Grievances:*

*I currently have a Grievance form filed for 35.10-1-32 for Nune Park. They are asking for a substantial reduction due to a water/drainage issue that has not been resolved as of this date. I have another taxpayer filing 25 Grievances in regards to a subdivision that they wish to have dissolved and put back to ag land. I have already spent 4 months meeting with this individual,*

**DISCUSSION – ASSESSOR REPORT-continued**

*her realtor, the mayor and village board in regards to this matter. A substantial reduction was offered regarding the current assessed value of this subdivision, which I had believed was agreed upon by all parties until this week. Apparently due to a turn of events the property owner now feels they must take this matter to Board of Assessment Review.*

*Change of assessment notice question....*

*Computer issues:*

*My backup issue has been resolved with Hurricane as I purchased an external hard drive to have my property photos backed up to 1 time per month to this.*

*The notebook downstairs for us to write any computer issues in seems to be working well.*

*It is difficult for me to connect with Bill since he comes Monday afternoons to address any questions or concerns as I leave at 2:30...so many times he doesn't get to my office until I have gone. At our meeting in Jan/Feb we had it set up for him to come in the morning.*

*I currently have another issue with my computer, it continually freezes, my computer will not allow me to do the work on the internet that I need to do, Bill thinks it may be a "browser issue". He has been working on this for 4 weeks now. At the moment the only way I can resolve the problem when it freezes is to shutdown the computer and re start it. I do not have the option of purchasing a new computer at this time. Hopefully I will have more answers soon.*

*Recently I have opened my computer to see that documents of mine from 2005 thru 2009 have been opened and viewed. Not really sure why? It has not been myself or Bob...any suggestions?*

*We were recently told that all our emails will now be backed up to the server. Why? Is it because of FOIL? Are there new procedures then?*

*We had discussed having a general calendar set up at our jan/Feb meeting with Hurricane, so we could access this all of the dept heads could see when the board room was in use in case we needed to request the use of this or if someone was off for vacation we would know when people would be gone for better communication in the building...this has not happened yet...any update on that? It seems many of these things are continually being worked on but not being resolved.*

*Air Quality:*

*Back in early March I had an issue in my office with an odor when the air conditioning turned on. The air filters did get changed. The weather got cold and then warm again...and I was told that when the air conditioning unit came on again it could happen again. It did, I gave it a few days to see if the smell disappeared but it did not, then emailed the board members April 17 letting them know the status again on the smell. It is very musty smelling when the air is on and hard to breathe. I have been told to close the office and go home, but unfortunately I have a job to do and that really isn't an option. Any suggestions?*

*Thank you... Tami Snyder*

A part of the Board discussion included:

The smell is known as "Stinky Socks Syndrome" and there is not a cure to the problem. It is a cause by the formation of bacteria. The Board will be checking to see if there is still a warranty and Supervisor LeFeber will follow up.

**DISCUSSION – ASSESSOR REPORT-continued**

A problem caused by Frontier on a Monday night that included Avon and Caledonia was identified in Caledonia and shared with Hurricane, but Bill had already put in twenty hours to attempt to fix the problem. Councilman Blye stated that Shawn was here and fixed something and he was gone quickly and that is not the case with Bill. An outstanding question is why e-mails are being backed up on the server. Four e-mails belonging to the Town Clerk were in the Assessor's outlook. Supervisor LeFeber will provide a review of time spent at a future meeting.

There was discussion on the issue of what is causing the drainage in Nune Park and the amount of time that flooding has been an issue.

**DISCUSSION-ATTORNEY REPORT**

Attorney Campbell reported on the following:

He continues to work on the petition for Annexation of property of Livingston Industrial Complex, LLC. and completing a review of the environmental and security systems for the Town Hall/Opera Block.

There was discussion of Supervisor LeFeber questioning on re-zoning to allow a barn to be used for functions/events. Attorney Campbell stated that a letter of intent to change zoning by the property owner would be needed.

Supervisor LeFeber was contacted by Mr. Stevenson who is interested in purchasing a portion of property owned by KEMP taxes are due to the County by the 15<sup>th</sup> of June and if the taxes are not paid the property would be sold in late July. Mr. Stevenson is interested in what the Town would approve for use of the property prior to his purchase. Attorney Campbell confirmed that the use of the land would need site plan review and that would not be available by the 15<sup>th</sup> of June deadline.

There was discussion on ways to move forward with the Royal Springs Development. Engineer Rock provided estimates of the work that needs to be done. Discussion included the cost of work being different if the town versus the Developer completes the work. Prevailing wages may be required if the Town needs to hire the work out.

**DISCUSSION-ENGINEER REPORT**

Engineer Rock reported on the following:

The culvert project on N. Littleville Road has not been assigned to anyone yet by the Core of Engineers. There was discussion on a letter received on the 2<sup>nd</sup> of May.

**DISCUSSION – WATER REPORT**

Water Superintendent Dan McKeown reported on the following:

He has replaced a half dozen main line value boxes.  
Water meters were read.  
Bills were sent out with an error on the due date.

**DISCUSSION-CODE REPORT**

Code Enforcement Officer Anthony Cappello reported on the following:

He learned at 3:00 P.M. that a communication tower is being set up by the railroad on Papermill Road. No permits have been issued. He could put a stop work order and request a tear down. The tower is expected to be 120 to 140 feet high. Another tower is going up in Livonia.

**DISCUSSION-HIGHWAY REPORT**

Highway Superintendent Crye reported the crew has been working on the following:

Wedging Jenks, shop Pole Bridge Road and Antonio Drive  
Ditch work on Fowlerville Road County and Reservoir Road  
Finished sanders and plow frames and put away  
Helped Lima pave Clay Street  
Mowed and weeded park and cemeteries  
School job  
National grid has provided an Energy Savings Plan that would improve on the lighting and provide a savings to the Town. The Board took the following action:

**RESOLUTION #96 APPROVAL OF NATIONAL GRID ENERGY SAVINGS PLAN  
DATED MAY 10, 2012**

On motion of Councilman Blye, seconded by Councilman Ayers, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to authorize approval of the following terms and conditions, scope of work, energy savings plan detailed and summary and the certification of installation and to provide a man lift for one day:

INSERT

# Terms & Conditions

# nationalgrid

Date: 5/10/2012

Customer Name:	TOWN OF AVON	Vendor:	LIME ENERGY CO
Address:	5390 AGAR RD	Audit Date:	05/10/2012
Town, State, and Zip Code:	AVON, NY 14414	Auditor	PETER COOK
Account Number:	77187-89100	Application No:	1842000

National Grid ("Company") is offering an energy conservation program ("Program") to certain commercial and industrial customers ("Customer") that have an average monthly demand less than or equal to 100 kW. Under the Program, the Company is arranging the installation of certain energy efficiency measures ("Measures") at the facilities of eligible customers. Customer agrees to have a contractor hired by the Company for the Program install the Measures and pay a portion of the installation cost as described in Section Six listed below. The following are terms and conditions that govern the Program and the installation of the Measures:

**1. Measures to be Installed**

An independent contractor ("Installation Contractor") hired by the Company will install at Customer's property the conservation Measures described in Section Six below. The Installation Contractor shall permanently disable all lamps replaced pursuant to this Agreement (make them unfit for reuse). The disposal of any lighting equipment which is removed (with exception of fluorescent ballasts and lamps) will be the responsibility of the participating Customer. The disposal of any fluorescent ballasts and lamps will be the responsibility of an outside contractor hired by the Company.

**2. Installation Date**

The Installation Contractor will attempt to install the Measures within thirty (30) days of Customer signing this Agreement.

**3. Warranty and Disclaimers**

- (a) The Company will provide a one-time equipment replacement free of charge for any equipment that fails to operate according to manufacturer's specifications for a period of two years after the date of the original installation. Lamps will be warranted for one year.
- (b) Customer may have other warranty rights that may have been provided by the manufacturer of the devices installed under this Agreement. Customer, however, may exercise such rights only against the manufacturer, and not against the Company or its affiliates.
- (c) OTHER THAN THE REPLACEMENT WARRANTY STATED IN SUBPARAGRAPH 3(a) ABOVE, NEITHER THE COMPANY NOR ITS AFFILIATES MAKE ANY WARRANTIES OF ANY KIND, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE
- (d) The Company does not guarantee that the Measures will, in fact, save any level of energy or result in a lowering of the customer's electric utility bill.
- (e) Neither the Company nor its affiliates shall be liable to Customer for consequential or incidental damages arising out of the Program, whether in contract, tort (including negligence) or any other theory of recovery.

**4. Access to Property**

- (a) Customer will provide reasonable access to Customer's property during normal business hours for Installation Contractor to perform the installation work.
- (b) In addition, the Customer will allow the Company to make a reasonable number of follow-up visits during the twenty-four months following installation, with advance notice and at a time convenient to the customer. The purpose of the follow-up visits is to provide the Company with an opportunity to review the operation of the Measures for program education purpose. During the follow-up visits, the Company may make suggestions to the Customer regarding operation of the Measures, but the Customer is under no obligation to follow any such suggestions. If the Customer does follow any instructions, the Company will not be liable to the Customer in tort (including negligence) for the Customer's reliance on the suggestions.

**5. Discretion of Installation Contractor**

When undertaking the installation, the Installation Contractor or the Company (at their sole discretion) may choose not to make the installations specified below for reasons related to safety, discovery of unforeseen conditions, or the complete utilization of the Company's program budget.

Initial Here: T.W.C



Client: Avon Highway Dept  
 Project: National Grid SBS  
 Site Address: 5390 Agar Rd, Avon , New York

FIXTURE / QUANTITY BY ROOM DESCRIPTION

Line #	Bldg	Flr	Area	Rm #	Room Description	Fixt Ht	Existing Fixture		Proposed Fixture & Occupancy Sensor				Auditor Notes
							E Type	E Qty	P Type	PQty	Occ Type	Qty	
1					cold storage	25	1-light 250 watt metal halide low bay	6	NF 0-light 4' High Day w/ high power electronic ballast & 4' 32 watt T8 lamps, acrylic lens & Mic. B.C.	6			
2					truck bay	25	1-light 250 watt metal halide low bay	12	NF 0-light 4' High Day w/ high power electronic ballast & 4' 32 watt T8 lamps, acrylic lens & Mic. B.C.	12			
3					task lights	10	2-light strip w/ 59 watt T8 lamps	12	No Change	12			
4					exits	10	2-light 15 watt incandescent 6" exit sign white, red letters	10	NF 2 watt LED 6" universal exit sign white, red letters	10			
5					loft	10	2-light strip w/ 59 watt T8 lamps	5	No Change	5			
6					over sink	10	2-light wrap w/ 40 watt T12 lamps	1	NF 2-light surface mounted wrap w/ 4' 28 watt 32 lamps	1			
7					back office	10	2-light strip w/ 59 watt T8 lamps	2	No Change	2			
8					panel rm	10	1-light 100 watt incandescent in socket	1	RL 1-lamp 23 watt compact fluorescent spiral screw-in	1			
9					water heater	10	1-light 4' strip w/ 32 watt T8 lamp	1	No Change	1			
10					lounge	10	3-light 2x4 recessed troffer w/ 32 watt T8 lamps	6	No Change	6			
11					lockers	10	3-light 2x4 recessed troffer w/ 32 watt T8 lamps	1	No Change	1			
12					shower	10	1-light 3' vanity w/ 30 watt T12 lamp	1	RLRB 1-lamp standard power electronic ballast & 3' 25 watt T8 lamp	1			
13					bath	10	3-light 2x4 recessed troffer w/ 32 watt T8 lamps	1	No Change	1			
14					lounge	10	2-light 2x2 recessed troffer w/ 32 watt T8 U-6 lamps	2	NF 3-light 2' recessed troffer w/ 2' 17 watt T8 lamps	2			
15					hallway	10	2-light 2x2 recessed troffer w/ 32 watt T8 U-6 lamps	2	NF 3-light 2' recessed troffer w/ 2' 17 watt T8 lamps	2			
16					front hall	10	2-light 2x2 recessed troffer w/ 32 watt T8 U-6 lamps	2	NF 3-light 2' recessed troffer w/ 2' 17 watt T8 lamps	2			
17					womens	10	3-light 2x4 recessed troffer w/ 32 watt T8 lamps	1	No Change	1			
18					dan office	10	2-light 2x2 recessed troffer w/ 32 watt T8 U-6 lamps	4	NF 3-light 2' recessed troffer w/ 2' 17 watt T8 lamps	4			
19					main office	10	3-light 2x4 recessed troffer w/ 32 watt T8 lamps	2	No Change	2			
20					main office	10	2-light 2x2 recessed troffer w/ 32 watt T8 U-6 lamps	6	NF 3-light 2' recessed troffer w/ 2' 17 watt T8 lamps	6			
21					exterior front	20	1-light 250 watt metal halide wall pack	5	40W LED Wallpack Fixture	5	photo cell	5	
22					exterior front	10	1-light 100 watt metal halide wall pack	1	20W LED Wallpack Fixture	1	photo cell	1	
23					exterior rd side	10	1-light 100 watt metal halide wall pack	1	20W LED Wallpack Fixture	1	photo cell	1	
24					exterior rear entry	10	1-light 100 watt metal halide wall pack	1	20W LED Wallpack Fixture	1	photo cell	1	
25					exterior far end	20	1-light 250 watt metal halide wall pack	1	40W LED Wallpack Fixture	1	photo cell	1	

*T.W.C.*

# Energy Savings Plan



DETAIL

Date: 5/10/2012

Application Number: 1842000

<b>Customer Name:</b>	TOWN OF AVON	<b>Application Number :</b>	1842000
<b>DBA Name:</b>	AVON HIGHWAY DEPT.	<b>Account Number:</b>	77187-89100
<b>Address :</b>	5390 AGAR RD	<b>Telephone :</b>	585-226-8401
<b>City :</b>	AVON	<b>Contact Name :</b>	TOM CRYE-DAVE LEFERBE
<b>State and Zip :</b>	NY 14414	<b>Auditor Name :</b>	PETER COOK
<b>Facility Square Footage :</b>	--	<b>Audit Date :</b>	05/10/2012

ECM Id	Site Location	ECM Code	ECM Description	Kit Type	Quantity	KW Savings	KWH Savings
105144 6		115	LED - 40W - HW	HID Exterior Fixture Installation Kit	6	1.53	7,956.00
105144 7		447	Fluor - 2L4 T8/EL	Fluorescent Fixture Installation Kit	1	0.04	141.96
105145 0		248	Fluor - 3L2 T8/LP	Fluorescent Fixture Installation Kit	16	0.27	990.08
105145 2		452	Fluor - 6L4 T8HL	HID Interior Fixture Installation Kit	18	4.19	15,266.16
105147 5		127	LED Exit - 0.93 W - Dbl Face/Red	Compact Fluorescent New Fixture Hardwired Interior Kit	10	0.29	2,533.44
105147 7		171	CFL - 22W - Screw In	Compact Fluorescent Screw In Relamp/Reballast Kit	1	0.08	283.92
105147 8		257	Fluor - 1L3' Super T8 LP	Fluorescent Relamp/Reballast Kit (1-2-3 lamps)	1	0.02	83.72
105147 9		113	LED - 20W - HW	Compact Fluorescent New Fixture Hardwired Exterior Kit	3	0.30	1,560.00
<b>Total</b>						<b>6.73</b>	<b>28,815.28</b>

# Energy Savings Plan **nationalgrid**

SUMMARY

Application Number: 1842000

Date: 5/10/2012

<b>Customer Name:</b>	TOWN OF AVON	<b>Application Number :</b>	1842000
<b>DBA Name:</b>	AVON HIGHWAY DEPT. 5390 AGAR RD	<b>Account Number:</b>	77187-89100
<b>City :</b>	AVON	<b>Telephone :</b>	585-226-8401
<b>State and Zip :</b>	NY 14414	<b>Contact Name :</b>	TOM CRYE-DAVE LEFERBE
<b>Facility Square Footage :</b>	--	<b>Auditor Name :</b>	PETER COOK
		<b>Audit Date :</b>	05/10/2012

Save money on your electric bill by using energy more efficiently. And, through the power of action, you reduce greenhouse gases (CO2) annually by 31,697 pounds.

<b>Estimated Annual Savings ( KWH)</b>
28,815.28

<b>Estimated Annual Savings in Dollars</b>
\$3,204.26

<b>Estimated Job Cost</b>	<b>Prevailing Wage</b>	<b>Lift Charge</b>	<b>Estimated Customer Contribution</b>	<b>Estimated National Grid Contribution</b>
\$12,826.61	\$1,800.99	--	\$5,334.64	\$7,491.97

<b>Payback Period in Months</b>
20

No upfront cost to you - finance your contribution on your monthly electric bill.

Choose from 3 convenient payment options.

<b>Lump Sum Payment ( Additional 15% Discount)</b>
\$4,804.59

<b>12 Monthly Payments ( Interest Free)</b>
\$444.55

<b>24 Monthly Payments ( Interest Free)</b>
\$222.28

## Certification of Installation

**nationalgrid**

Date: 5/10/2012

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**Customer Name:** TOWN OF AVON

**Application Number:** 1842000

I certify that I have seen the conservation measure(s) that have been installed, and I am satisfied with their installation.

Customer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (print): \_\_\_\_\_

**RESOLUTION #96 APPROVAL OF NATIONALGRID ENERGY SAVINGS PLAN  
DATED MAY 10, 2012-continued**

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

**DISCUSSION-TOWN CLERK REPORT**

Town Clerk Knight reported on the following:

The final task to end the Tax Collection season will take place at the end of this month. Two banking credits were settled with HSBC today and when we receive May's bank statement we can file with the County. The County Treasurer will release the 2012 Tax Roll Release Bond once they receive the final bank statement.

We are working on updating the web site and planning for the dog enumeration to be scheduled in June.

**RESOLUTION #97 PAYMENT OF BILLS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept payment for abstract 2012-9 in the following amounts:

Concerning ABSTRACT of Claims Number 2012-9 including claims as follows:

General Fund	Voucher #181 through #197 in amounts totaling \$5,257.39
Highway Fund	Voucher #72 through #78 in amounts totaling \$9,648.80
Water Fund	Voucher#52 through #61 in amounts totaling\$1,953.15
Cemetery Fund	No Voucher
Opera Block Capital	
Improvement	No Voucher
Royal Springs Lighting	Voucher #5 through #5 in amounts totaling \$958.33
Cross Roads Drainage	No Voucher
District	
Bruckel Drainage District	No Voucher
Royal Springs Drainage	No Voucher
Town Of Avon Fire	
Protection	No Voucher
Rte 39 Water SW2	No Voucher

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

**RESOLUTION #98 PAYMENT OF BILLS**

On motion of Councilman Blye, seconded by Councilman Ayers, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to adopt abstract 2012-8A in the following amounts:

Concerning ABSTRACT of Claims Number 2012-8A including claims as follows:

General Fund	Voucher #161 through #180 in amounts totaling \$7,774.46
Highway Fund	Voucher #62 through #71 in amounts totaling \$45,160.39
Water Fund	Voucher#47 through #51 in amounts totaling \$1,809.41
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
Rte 39 Water SW2	No Voucher

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

**RESOLUTION #99 ACCEPT TOWN CLERK AND SUPERVISOR’S REPORTS**

On motion of Deputy Supervisor Mairs, seconded by Councilman Blye, the following resolution was ADOPTED AYES 5 NAYS 0

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

<u>Total Local Shares Remitted:</u>	<u>\$1,257.40</u>
<u>New York State Department of Health</u>	<u>\$112.50</u>
<u>NYS Ag. &amp; Markets for spay/neuter program</u>	<u>\$39.00</u>
<u>NYS Environmental Conservation</u>	<u>\$175.74</u>
<u>WATER Fee</u>	<u>\$156.16</u>
<u>Recreation</u>	<u>\$15.00</u>
<u>TOTAL</u>	<u>\$1,755.80</u>

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

**RESOLUTION#100 AUTHORIZE SUPERVISOR TO SIGN A SERVICE CONTRACT WITH BALDWIN BUSINESS SERVICES**

On motion of Councilman Blye, seconded by Councilman Mairs, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to authorize Supervisor LeFeber to sign a service contract with Baldwin Business Service Contract as follows:

INSERT

**Service Contract  
Town of Avon  
2012**

Baldwin Business Services will provide the following services per year.

1. Provide Fund Accounting which will:
  - a.) Maintain separate account balances for each fund and special district, which will show current activity and end of month balance.
  - b.) Prove cash balances to bank statements
  - c.) Show inter-fund receivables and payables.
2. Review monthly warrant-sheets for appropriate coding. Prepare checks for payment.
3. Allocate all cash receipts to appropriate accounts.
4. Provide all payroll services.
5. Certify payroll with County.
6. Provide monthly accounting reports. Reports will be available for your meeting each month.
7. Verify amounts for Tax Collection.
8. Reconcile all bank accounts monthly.
9. Our firm will prepare budget worksheets, meet with the supervisor as needed to prepare the tentative budget for submission, meet with the town board if needed to create the preliminary budget. We will produce the hard copy of the final budget.
10. Our firm will also prepare the Annual Report.
11. I will make myself available on an as needed basis for fiscal review in the second, third and fourth quarters of each of the contract years.
12. 2012 fee is \$12,000 with \$5,500 payable in June and December and \$1,000 payable in November.
13. Payroll services are billed separately.

Thomas Baldwin (owner): 

Date: \_\_\_\_\_

Town Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION#100 AUTHORIZE SUPERVISOR TO SIGN A SERVICE CONTRACT WITH BALDWIN BUSINESS SERVICES-continued**

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

**RESOLUTION #101 ACCEPT THE RESIGNATION OF RICHARD BURKE FROM THE POSITION OF BOARD OF ASSESSMENT REVIEW MEMBER**

On motion of Councilman Mairs, seconded by Councilman Steen, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to accept the resignation of Richard Burke from the position of Board of Assessment Review.

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

**DISCUSSION – ENVIRONMENTAL AND SECURITY SYSTEMS FOR THE TOWN HALL/OPERA BLOCK**

Met with Vonglis environmental and security systems for Town Hall . A letter was received from resident Kelly Cole. Information will be sought from Vonglis of work performed on our computers.

**RESOLUTION #102 ELIMINATE THE POSITION OF MARRIAGE OFFICER**

On motion of Councilman Blye, seconded by Supervisor LeFeber, the following resolution was ADOPTED AYES 5 NAYS 0

RESOLVE to eliminate the position of Marriage Officer.

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

**DISCUSSION- SUPERVISOR REPORT**

Supervisor LeFeber reported on the following:

A meeting was held with Councilman Steen, and Tom Vonglis of Hurricane Technology regarding the environmental and security systems for Town Hall . A letter was received from resident Kelly Cole. Information will be sought from Vonglis of work performed on our computers.

It would be nice to schedule the unit hearings in June.

Work on budget to complete the work on Tec Drive is taking place.

He was surprised and questioned why he heard from Mr. Seeley, a visitor to the Town of Avon that filed a complaint 51 days ago. Two conflicting accounts of what happened on the day of his visit were in draft minutes and Mr. Seeley is in agreement with one of them. Supervisor LeFeber stated that he was not there and did not know what happened. He questioned the Board if they had any ideas of how to move forward as a complaint was made regarding an employee. The Board did not appear to want to take any action as Mr. Seeley was not interested in attending a Board meeting. In addition, Mr. Seeley shared his concern with the signage that is in the elevator. Supervisor LeFeber will follow-up on the elevator signage.

Town Clerk Knight questioned if the concern of locking out during her office hours could be addressed. If a key was provided then the elevators could be locked by the Town Clerk's Office when they close as well as during Town Board meeting. The Board agreed and an elevator key will be provided to the Town Clerk.

### **DISCUSSION-OPEN ITEMS**

Councilman Steen provided the following report:

He would like the control of heat/air conditioning within the Town Hall.

He took the trip to Pennsylvania to tour the gas fields and really thinks all Board members should go down to review the wells, prior to further discussion.

Councilman Ayers reported on the following:

He would like to get Board approval for the mailboxes at the next meeting.

He would like to have better management of the open hours of the departments in the Town Hall. All departments should be open at the same time. Town Clerk Knight questioned how we are going to go about this. Supervisor LeFeber stated staying within the budgets would be an important part of the scheduling.

### **DISCUSSION – PUBLIC COMMENTS**

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

On motion of Supervisor LeFeber, seconded by Councilman Blye, the meeting adjourned at 10:28 P.M.

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