

A Regular Meeting of the Town of Avon was held on Thursday, October 11, 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 James Blye, Robert Ayers, and Richard Steen

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

VISITORS: Joseph Tuchrello

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

Pledge of Allegiance

Supervisor LeFeber asked for any public comments and resident Joseph Tuchrello asked the Board for a response to his letter provided to the Board prior to the last meeting. Supervisor LeFeber requested Attorney Campbell respond as he had made recommendations at the last meeting, and he did. There was discussion of the process of previous decisions of the Board and it was unclear of any new questions identified in his letter. Visitor Tuchrello shared his interest in gas wells and stated that he was expecting to get new wells and that he believes that the Board's decisions are subject to future law suits. Attorney Campbell made it clear that any impact to Mr. Tuchrello had nothing to do with the Board.

DISCUSSION – APPROVAL OF MINUTES

Town Clerk Knight shared changes that were made to the draft minutes that were just recommended today by Supervisor's Secretary Mary Blye. The offer to provide hard copies with the changes was made to the Board as time did not allow printing prior to the meeting.

RESOLUTION #182 APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAY 0

RESOLVE to approve the minutes of September 27, 2012 as presented.

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

DISCUSSION – WATER REPORT

Water Superintendent McKeown reported on the following:

Water meters are being read.

A request was received to purchase water for a highway job that is being conducted on Route #390. Billing information has been provided and the Board appeared to support the additional sale of water.

The bidding for a new 2013 truck will need to be rebid due to an error (dates) on the legal notice. We had two inquires but no responses. The Board took the following action.

RESOLUTION #183 APPROVAL OF THE BID LEGAL NOTICE FOR THE 2013 TRUCK FOR THE WATER DEPARTMENT

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

ADOPTED AYES 5 NAY 0

RESOLVE to approve the following legal notice for the 2013 truck bid notice.

TOWN OF AVON
LEGAL NOTICE
BID NOTICE

THE TOWN BOARD OF THE TOWN OF AVON IS SEEKING SEALED BIDS FOR A 2013 PICK-UP TRUCK, V-8 ¾ TON REGULAR CAB WITH 8 FOOT BOX, PRICED WITH 8.5 FOOT SNOW PLOW PACKAGE, AND WITHOUT. BIDS MUST BE RECEIVED ON OR BEFORE 11:00 A.M. ON THURSDAY, OCTOBER 25, 2012. BIDS MUST BE PLACED IN A SEALED ENVELOPE, ADDRESSED TO THE TOWN OF AVON, TOWN CLERK AND SHALL BE MARKED “SEALED BIDS FOR 2013 PICK-UP TRUCK”. FOR A COPY OF THE SPECS PLEASE CONTACT THE TOWN CLERK DURING REGULAR OFFICE HOURS. SUCH BIDS WILL BE PUBLICLY OPENED AND READ AT THE TOWN CLERK’S OFFICE, 23 GENESEE STREET, AVON, NY AT 11:00 A.M. ON THURSDAY, OCTOBER 25, 2012. THE AVON TOWN BOARD RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS RECEIVED.

DATED: OCTOBER 11, 2012
PUBLISHED: OCTOBER 18, 2012
SHARON M. KNIGHT, CMC/RMC
AVON TOWN CLERK

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

DISCUSSION – ENGINEER REPORT

Engineer Rock provided the following update for the Board:

The two proposals submitted regarding the inspection of the water tower tank have been considered. It was recommended to approve *Underwater Solutions* as their bid is not contingent on the area in which the company is working, therefore the cost may in fact be less. Other differences in the bids are that a person will be filming the inside of the tank versus dropping a camera into the tank and *Underwater Solutions* will provide a thorough written report.

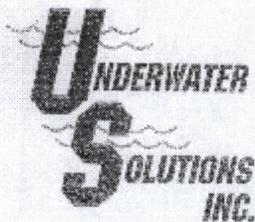
Councilman Steen questioned if the Town had used the Dodge Reports to advertise for projects and Engineer Rock responded that there is a cost associated and much larger projects are normally advertised.

RESOLUTION #184 APPROVAL OF A CONTRACT WITH UNDERWATER SOLUTIONS

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

ADOPTED AYES 5 NAY 0

RESOLVE to approve to enter into an agreement with *UnderWater Solutions* as follows:



September 18, 2012

Mr. Timothy Rock
Larsen Engineering
C/O Town of Avon, New York
Rochester, NY 14623

Dear Timothy,

I would like to thank you for your consideration of Underwater Solutions Inc. to conduct the inspection and cleaning of your water storage facility.

As requested, please find attached a proposal for the inspection and cleaning of the Avon, 100,000-gallon elevated steel water storage tank.

Please note I have provided you pricing that reflects us completing this project prior to our insurance certificates renewing mid October.

Should you wish to proceed, we are also including two copies of an agreement to conduct this work. Please sign and return one copy to us at your earliest convenience, allowing a date to be reserved for your project.

Upon completion of this work, a comprehensive report of our findings and corresponding photographs will be submitted.

If you have any questions or would like additional information, please contact me.

Again, I would like to thank you for your consideration of U/S.

Sincerely,

UNDERWATER SOLUTIONS INC.

William T. Cornish
President

WTC/pas
Enclosure

Mr. Timothy Rock
Larsen Engineering
C/O Town of Avon, New York
September 18, 2012
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**PROPOSAL FOR THE INSPECTION AND CLEANING OF THE
100,000-GALLON ELEVATED STEEL WATER STORAGE TANK LOCATED IN THE
TOWN OF AVON, NEW YORK**

**TOWN OF AVON
AVON, NEW YORK**

PERSONNEL & GEAR:

Divers / Tenders

Complete Sterile Inspection/Cleaning Dive Station
(All gear sanitized and utilized only in potable water.)

3" Pump
3" Suction Hose
3" Discharge Hose
25 CFM Compressor
300' Dive Rig
Ladder
Bailout Bottle
Emergency Air
Volume Tank and Filter
Communications Box
200 ppm Chlorine Solution
Camera
Manifold
Dry Suit
SuperLite Helmet
Miscellaneous Tools

Comprehensive reports and corresponding photographs
to be submitted after completion of work.

COST:

While mobilized in the area, prior to October 15, 2012.

Inspection only: **\$3,990.00***

Inspect and clean up to 6" of sediment: **\$4,140.00***

*All sites must be maintained to allow a truck and trailer to mobilize to within 25' of the tank, allow access around the circumference of the tank, and have good, sound ladder access to the rooftop. All entry hatches must function allowing internal access to each tank and personnel must be available to mobilize to site locations. At the time this project is to be conducted, the water level within this structure must be within 10' of overflow. It is the responsibility of the customer to provide Underwater Solutions Inc. with a location for discharge for cleaning projects. Please note: due to unforeseen economic conditions, a fuel surcharge may apply.

AGREEMENT

BETWEEN UNDERWATER SOLUTIONS INC. AND THE TOWN OF AVON FOR THE INSPECTION AND CLEANING OF THE 100,000-GALLON STEEL WATER STORAGE TANK AS FOLLOWS:

The Town of Avon, New York agrees to have Underwater Solutions Inc. perform the above mentioned work as per the conditions/terms and costs stated on the proposal dated September 18, 2012 (copy attached).

PERSONNEL: Divers / Tenders

GEAR: Complete Sanitized Inspection/Cleaning Dive Station
(All gear sanitized and utilized only in potable water.)

3" Pump
3" Suction Hose
3" Discharge Hose
25 CFM Compressor
300' Dive Rig
Ladders
Bailout Bottle
Emergency Air
Volume Tank and Filter
Communications Box
200 ppm Chlorine Solution
Camera
Manifold
Dry Suit
SuperLite Helmet
Miscellaneous Tools

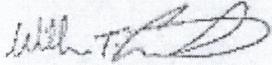
SUBMITTALS: Comprehensive reports and corresponding photographs to be submitted after completion of work.

COST: While mobilized in the area, *prior to* October 15, 2012:

Inspection only: \$3,990.00*
Inspect and clean up to 6" of sediment: \$4,140.00*

TERMS: Payable Upon Receipt

IN ACCEPTANCE OF AFOREMENTIONED AGREEMENT:



UNDERWATER SOLUTIONS INC.
Signature of Authorized Representative

TOWN OF AVON, NEW YORK
Signature of Authorized Representative

President
Title

September 18, 2012
Date

Title

Date

*All sites must be maintained to allow a truck and trailer to mobilize to within 25' of the tank, allow access around the circumference of the tank, and have good, sound ladder access to the roof/top. All entry hatches must function allowing internal access to each tank and personnel must be available to mobilize to site locations. At the time this project is to be conducted, the water level within this structure must be within 10' of overflow. It is the responsibility of the customer to provide Underwater Solutions Inc. with a location for discharge for cleaning projects. Please note, due to unforeseen economic conditions, a fuel surcharge may apply.

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

OPEN DISCUSSION – HIGHWAY REPORT

Highway Superintendent Thomas Crye reported on the following highway work conducted over the last two weeks:

Still working on mowing back county roads with a few roads to be completed
Other County work included a driveway on Oak Openings Road
Plow-wings sanders frames on trucks
The culvert on North Littleville Road was completed and the Road was reopened on the first of October.
Ordered stuff for Interstate Drive and the work should be completed next week.
The pick-up new truck should arrive next week and will get the 2009 ready to sell.
It was recommended by the Board to declare the truck as surplus.

RESOLUTION #185 - 2009 HIGHWAY TRUCK DECLARED SURPLUS

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

ADOPTED AYES 5 NAY 0

RESOLVE to declare as surplus the 2009 Highway truck and to put it out to bid with a minimum bid of \$15,500.00. Craigslist will be used and all offers are to be brought back to the Town Board for their consideration.

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

DISCUSSION CODE ENFORCEMENT REPORT

Code Enforcement Cappello reported that he was working on finding out the date for the trailer to be removed on North Littleville Road when all of a sudden construction materials were brought to the site. He will continue to monitor the project's forward movement.

DISCUSSION ATTORNEY REPORT

Attorney Campbell reported on the following:

A discussion was held with Mr. Halpin's attorney regarding the subdivision of property on Fowlerville Road. Although no Board approval is needed the following update was given. His attorney would be advising Mr. Halpin to both apologize and reach an agreement as this is the third time Mr. Halpin has subdivided property without following the Town of Avon Code. The Town of Avon could not walk away from the court date

DISCUSSION ATTORNEY REPORT-continued

and an admission and a fine would be the maximum. If an agreement is not reached and a trial is needed, than only the Judge would be able to determine a verdict.

A review of the Royal Springs Development deed was not quite what we need so we will be submitting additional language to include the common open area and storm water drainage. We should have the revised deed back in by next week.

Amendments to the Verizon lease continue to be negotiated and there have been ups and downs. The changes that we are asking for are really important for the next twenty to twenty-five years and are reasonable.

Annexation – We are in the full swing on the annexation process. Having only one property owner streamlines the process and we will receive a newly dated petition. The next step is to schedule the Public Hearing along with the Village. A twenty day window is needed from receipt of the revised petition. Then the public hearing will need to be scheduled within a twenty to forty day window. The public notice will be run one time and will also need to be sent to the adjourning property owners. The public hearing will be opened, testimony is taken, the public hearing is closed and then the Village and Town Board will be required to vote on separate resolutions.

A referral will be made to the County Planning Board and a short form EAF will need to be completed. Publish date of the legal notice will be October 25 to hold the meeting on the 29th of November. Supervisor LeFeber will check with Mayor Freeman on the Villages ability to attend the November date.

RESOLUTION #186 ENTER INTO EXECUTIVE SESSION

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

RESOLVE to enter into executive session for the purpose of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. TIME 7:40 P.M. inviting Attorney Campbell and Hurricane Technology President Thomas Vonglis.

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

RESOLUTION #187 CLOSE EXECUTIVE SESSION

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

RESOLUTION #187 CLOSE EXECUTIVE SESSION-continued

ADOPTED AYES 5 NAYS 0

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 8:05 P.M.

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

DISCUSSION – ENGINEER REPORT

Town Engineer Timothy Rock had no additional report.

DISCUSSION TOWN CLERK REPORT

Town Clerk Knight reported on the following:

Supervisor LeFeber requested that postage used for dog enumeration be applied to the Control of Dog line item in the budget. Town Clerk Knight agreed and the next postage update will be charged to the Control of Dog budget line item.

A Use of Building Request was received from the Town of Avon Republican Committee and the Board appeared to agree with the Building Committee to approve the request.

RESOLUTION #188 PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2012-19 in the following amounts:

Concerning ABSTRACT of Claims Number 2012-19 including claims as follows:

General Fund	Voucher #422 through #438 in amounts totaling	\$8,920.81
Highway Fund	Voucher #171 through #184 in amounts totaling	\$179,051.18
Water Fund	Voucher #116 through #126 in amounts totaling	\$3,730.79
Cemetery Fund	No Voucher	
Opera Block Capital	No Voucher	
Improvement	No Voucher	

RESOLUTION #188 PAYMENT OF BILLS

Royal Springs Lighting	Voucher #10 through #10 in amounts totaling \$956.45
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 Ayers - Aye, Councilman Steen- Aye, Councilman Blye - Absent, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye

RESOLUTION #189 RECEIVE MONTHLY REPORTS FROM THE TOWN CLERK

On motion of Deputy Supervisor Mairs, seconded by Councilman Ayers 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 September from the Supervisor, and the Town Clerk Report as shown below:

Town Clerk September Report:

New York State (NYS) Department of Health	\$ 22.50
NYS Ag. & Markets for spay/neuter program	\$ 65.00
NYS Environmental Conservation	\$ 6,198.69
Water Fee	\$ 683.18
Town Local Shares Remitted	<u>\$ 1,963.86</u>
TOTAL	\$ 8,933.23

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

DISCUSSION OPEN ITEMS

Councilman Blye reported the interview committee’s recommendation to hire Dean O’Keefe of Geneseo as a Code Enforcement Officer. Councilman Steen recommended this appointment be temporary and still go through an interview process to hire someone from the Town of Avon. Mr. O’Keefe can start on Tuesday and is certified by New York State. The Board took the following action.

RESOLUTION #190 AMEND THE 2012 COMPENSATION SCHEDULE

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

ADOPTED AYES 5 NAY 0

RESOLVE to amend the 2012 Compensation Schedule adding the following:

2012 Town of Avon Employee Compensation Schedule

Name	Position/Duties	Status	2011 Rate	2012 Rate
Dean O'Keefe	Code Enforcement Officer	PT	\$14.85	\$16.00

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

DISCUSSION – MAINTENANCE OF BUILDING AUTOMATED CONTROL SYSTEM SERVICE AGREEMENT

Councilman Steen spoke of the two proposals for the maintenance of building automated control system Service Agreements received from LMC and Pasco.

DISCUSSION – 2013 PRELIMINARY BUDGET

Discussion continued on the development of the Preliminary Budget using the Tentative Budget provided by the Supervisor as following:

The salaries for the Town Clerk will be set at a salary of \$40,000.00 and the Deputy of \$15.30 for 37.5 hours per week. The Deputy Town Clerk's salary will be broken down between two line items, \$26,653.00 Deputy Town Clerk and \$3,182.00 Records Management Personnel for a total of \$29,835.00, a replacement server, adding additional dollars for the Library from the 2012 budget, and the line item for building contractual. All additions total a one percent tax increase.

RESOLUTION #191 ADOPT LEGAL NOTICE FOR THE 2013 BUDGET HEARING

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

ADOPTED AYES 4 NAY 1 (Councilman Blye)

RESOLVE to approve the following legal notice:

TOWN OF AVON
NOTICE OF PUBLIC HEARING ON THE

RESOLUTION #191 ADOPT LEGAL NOTICE FOR THE 2013 BUDGET
HEARING-continued

PRELIMINARY BUDGET OF THE TOWN OF AVON
 For the year 2013

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Avon for the fiscal year beginning January 1, 2013, including General Town Funds, Highway Fund, Water Funds, Special Districts, Royal Spring Lighting & Drainage District, Crossroads Drainage District, Bruckel Drainage District, Cemetery, Water District Route 39 Ext., and Fire District, will be completed and filed in the office of the Town Clerk of the Town of Avon, 23 Genesee Street, Avon, New York 14414, the tentative budget is available and the preliminary budget will be available for inspection by any interested person during office hours, Pursuant to Real Property Tax Law Chapter 258 & 495, an exemption report is attached to the preliminary budget and includes every type of exemption granted by the taxing authority and the cumulative impact of each type of exemption, the cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services, and the cumulative impact of all exemptions granted. The Town Board of the Town of Avon shall hold a hearing on said preliminary budget on October 25, 2012 at 8:00 P.M. at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414, showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Town of Avon. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained. The following are the proposed 2013 salaries of Town of Avon

ELECTED OFFICIALS:

Supervisor	\$12,240.00
Councilman (4)	\$ 4,794.00
Town Justice 1	\$12,018.50
Town Justice 2	\$12,018.50
Town Clerk	\$40,000.00
Highway Superintendent	\$59,752.00

By Order of the Town Board
 Sharon M. Knight, CMC/RMC
 Avon Town Clerk

DATED: October 11, 2012

PUBLISHED: October 18, 2012

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

On motion of Supervisor LeFeber, seconded by Councilman Blye, the meeting adjourned at 10:55 P.M.

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