

A Regular Meeting of the Town of Avon was held on Thursday, December 13, 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, Richard Steen and James Blye

**OTHERS:** Attorney James Campbell, Town Engineer Timothy Rock, Highway Superintendent Thomas Crye, Youth Recreation Director Kim McDowell, Code Enforcement Officer Anthony Cappello, Deputy Town Clerk Carolyn Dieter, and Town Clerk Sharon Knight CMC/RMC

**VISITORS:** Chuck Morgan and Joyce Faville

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

Pledge of Allegiance

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

#### **RESOLUTION #226 APPROVAL OF MINUTES**

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

ADOPTED AYES 5 NAY 0

RESOLVE to approve the minutes of November 29, 2012 as presented.

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

#### **DISCUSSION – YOUTH RECREATION REPORT**

Youth Recreation Director Kim McDowell addressed the Board with an update of Winter Programs. She stated that practices have started. In January, the process of planning summer recreation programs will begin.

There was discussion on the proposed “Town of Avon Recreation” Program Mission and Policies and Procedures. Highlights included grade based programs, one adult program (basketball on Thursday nights), and swim programs are age based and begin at six months to grade eight.

Visitor Joyce Faville addressed the Board to once again share her concerns. She had provided an e-mail to the Board with her suggestion of the proposed policy and confirmed they received them. She suggested that the policy could be more open and accessible to accommodate a few older kids. The way it is written today restricts the 7th and 8th grade participation as there is a one hour lapse between programs (tennis and basketball) and the children are not allow to stay on the property. There are just a few

**DISCUSSION – YOUTH RECREATION REPORT-continued**

kids that take part and the lapse is one reason why parents choose not to sign up their children. Only three, four or five children participate and the number should be increased. Ms. Faville believes more parents share the same thoughts, but are not vocalizing their concerns. Participation would increase if the lapse could provide a program.

Supervisor LeFeber stated that the Board could adopt and make amendments at any time.

Ms. Faville asked “What is the process for making changes or modifications?” Supervisor LeFeber responded that the Recreation Board would make a recommendation to the Town Board. Ms. Faville stated that the Recreation Board does not care about this issue or trying to make it better and I do not understand that at all. They do not provide an opportunity for parents to make suggestions like a survey.

The Recreation Board Members are appointed by the Town Board and the Director works closely with the Board and program. The Town Board entrusts them to run the program and believes they do a good job, this is a good start for a policy, everyone on the Recreation Board is caring and if they have only five kids then they can look at the issue.

The policy will be posted to the Town Website and will be the guideline for this year’s program.

There was discussion on the Ski Program supported for the first time last year. It begins in January and the participants will pay for the program directly to the company. To date no information has been shared with Recreation Board. The packet application information is on the Town’s website. Councilman Blye suggested contacting our insurance to cancel the additional policy for skiing.

**RESOLUTION #227 ADOPT TOWN OF AVON RECREATION POLICIES AND PROGRAM MISSION**

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

RESOLVE to approve the following Town of Avon Recreation Policies and Program Mission as follows:

Town of Avon Recreation  
Town Hall, 23 Genesee Street, Avon, New York 14414  
Phone: 585-226-2425 ext 23 or email: [toarec@frontier.com](mailto:toarec@frontier.com)

**RESOLUTION #227 ADOPT TOWN OF AVON RECREATION POLICIES AND PROGRAM MISSION-continued**

**Program Mission:**

To provide a wide range of recreational programs and activities through the utilization of tax dollars and self-support.

The Recreation Board is a five-member panel of Avon residents that make policies on many different issues relating to recreation and are appointed by the Town Board of Avon Supervisor and Councilmen. The Board will meet monthly during the Fall and Winter and as needed during the Spring and Summer to accomplish their goals. Any resident of the Town/Village of Avon is encouraged and invited to attend any of these meetings with prior notice to the Recreation Director.

The Town of Avon Recreation Program sponsors several youth oriented activities. Our program runs on a yearly budget from contributions from the Livingston County Youth Bureau (state aid) and the Town of Avon. In order to meet with all insurance and municipal regulations, and run an organized and safe program, we have certain criteria that must be met by each individual program.

**Eligibility for all Youth Sport Programs:**

The Town of Avon Recreation sponsored sport programs begin for children entering Kindergarten through entering sixth grade. Age and DOB will not play a part in meeting this requirement.

The Town of Avon Recreation sports programs are open to all children that reside in Avon or attend school in Avon and no team picking will be tolerated. Children residing in outside communities may join as long as there is a program fee for the sport they are registering to participate in.

**Eligibility for Summer Recreation and Learn to Swim Programs:**

The Town of Avon Recreation sponsored summer recreation program begins for children entering Kindergarten through entering sixth grade in the coming school year. The Town of Avon Recreation sponsored summer recreation basketball and tennis camps and learn to swim programs begin for children entering the first grade through entering the eighth grade in the coming school year. Age and DOB will not play a part in meeting this requirement.

The Town of Avon Recreation summer recreation, basketball camp and tennis camp are open to all children that reside in Avon or attend school in Avon only. Children residing in outside communities may only join our Learn to Swim Program for a participation fee.

**RESOLUTION #227 ADOPT TOWN OF AVON RECREATION POLICIES AND PROGRAM MISSION-continued**

Youth registered in tennis and basketball camp must have adult supervision at all times when not participating in their scheduled camp time if not attending the recreation program.

**Eligibility for all Special Youth Programs:**

All Youth programs sponsored by the Town of Avon Recreation **must first be presented to the board for approval before they will be honored and given the opportunity to use the liability insurance waiver.** The board will review the program and determine if it meets their requirements and if they wish to sponsor the program. Eligibility will be determined by the nature of the program and the director who is requesting recreation assistance for the program.

**Eligibility for Adult Programs:**

All Adult programs sponsored by the Town of Avon Recreation **must first be presented to the board for approval before they will be honored and given the opportunity to use the liability insurance waiver.** The board will review the program and determine if it meets their requirements and if they wish to sponsor the program. Eligibility will be determined by the nature of the program and the director who is requesting recreation assistance for the program.

It is at the board's discretion to approve or disapprove the program each year and its directors. The recreation board has the right to discuss with the parties involved any changes or suggestions that need to be made with the program for the following year. The board may end a program at any time if they find those running the program are not following the regulations or the program is compromising the safety of the youth.

Please note, the regulations have been devised to ensure all programs are run consistently, meet the needs of the facilities we are using, and meet the standards set by the municipalities to utilize the liability insurance waiver, and follow safety standards of those involved.

The Recreation Board is happy to address new program ideas or current program suggestions at any time. We understand that the people involved in running these

**RESOLUTION #227 ADOPT TOWN OF AVON RECREATION POLICIES AND PROGRAM MISSION-continued**

programs are “volunteers” and we appreciate all the time they put into these programs. Your support has allowed us to continue and to make this program a success.

**Program Protocol**

The following items need to be addressed and followed with each program sponsored by the Town of Avon Recreation Department:

• **Registration Form**: A general registration form has been devised by the Recreation Board to be used for each program they sponsor. The form includes all medical and legal information that is needed to allow us to use the insurance waiver for these programs. The Board will then see that they are distributed to the proper areas. If a program alters the registration form or makes their own form without permission from the Recreation Board the insurance coverage for their program will be dropped and the program will end. Registrations shall be taken during the posted registration hours and periods.

• **Registration Fees**: The fees are determined through discussion by the Recreation Board and the volunteer or director of the program. We try and keep our fees to a minimum. The fees include the following: a uniform or t-shirt, additional insurance costs if required by the programs we are participating in, advertising costs, additional equipment if needed. The board does not encourage trophies or medals to be purchased. We do not encourage our programs to ask for sponsors.

• **Registration Deadlines**: These are determined by the recreation board and are set to allow us a cutoff date to order uniforms or supplies in time for the event. We ask that these deadlines and guidelines be followed and not make exceptions.

• **Use of Facility Forms**: These forms must be completed by the Recreation Director and passed on to the school for approval. This acts as a contract with the facility we will be using for the dates and times submitted and authorized to use this site and any specific standards must be followed.

• **Equipment**: In many cases the equipment used for the programs is kept and stored by the previous person in charge unless they are resigning for the following year. Summer Recreation, basketball and tennis camp equipment is stored in a trailer and inventoried each year. Other youth program equipment/inventory is stored and kept at the Recreation Director’s, or other board member’s house and inventoried each year. No equipment can be purchased without prior authorization from the Recreation Board.

• **Accident Forms and Incident Forms**: Accident forms are to be completed for all children who are registered for the program and gets hurt in any way. This documentation is for our protection and yours. If an accident occurs, please make a call to a Recreation Board Member and make them aware of the incident. A copy of the form

**RESOLUTION #227 ADOPT TOWN OF AVON RECREATION POLICIES AND PROGRAM MISSION-continued**

then needs to be returned to the recreation board at the Town of Avon, 23 Genesee Street, Avon, NY 14414. The Incident form is only used if you are working in a situation with any employee of the program and a confrontation occurs and needs to be documented. It will not apply to many of our programs. Again make sure a recreation board member is made aware of the situation and a copy of the form is delivered to the Town of Avon. It is the responsibility of the volunteer director, coach or paid director of the program to complete this paperwork.

•**Volunteers/Personnel**: Our volunteers are gathered through our registration forms and word of mouth and come back year after year. If a suggestion or complaint by a parent, local authority or director of the program feels it is not in the best interest for a volunteer to return it must be brought to the Recreation Board's attention. It is the board's discretion to then ask that the volunteer not return.

All paid personnel are evaluated each year by the Town of Avon Recreation Department. It is the board's discretion to determine through the evaluations, parent comments, board comments, volunteer or the director's suggestions or comments if an employee is asked to return the following year or not. All part-time employees will not be given the opportunity to return to their previous job; they will need to go through an interview process and then are re-hired at board's discretion. They will be expected to follow the employee guidelines established by the Recreation and Town Board. Failure to comply with these guidelines will result in termination of their job.

•**Program Advertising**: All programs will be advertised via flyers at school, Town website and any forms deemed necessary by the board members. All the information for each program will be included in the ad by the Town of Avon board member. Advertising costs incurred without the board's permission will not be covered.

•**Uniform Orders**: All uniform orders will be initiated and ordered by the Recreation Board member. This is not mandatory for all our programs.

•**Code of Conduct for all volunteers, coaches and employees**: Any violation of the code of conduct may result in the termination person involved.

- I will provide a positive support and encouragement for any player, coach, official and employee when attending or participating in any Avon Recreation activity.
- I will encourage good sportsmanship at any game or practice.
- I will place the emotional and physical well-being of any participant ahead of any desire to win.
- I will demand a sports environment that is free of drugs, tobacco and alcohol and refrain from their use at all youth sports events.
- I will do my very best to make youth sports fun for any child

**RESOLUTION #227 ADOPT TOWN OF AVON RECREATION POLICIES AND PROGRAM MISSION-continued**

- I will insist that any event will be safe and healthy and I will not be involved with any altercations (verbal or physical) with any other parents, spectators, coaches and officials.

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

**DISCUSSION ATTORNEY REPORT**

Attorney Campbell reported on the following:

He has been wrapped up with the finalizing of the Royal Spring Development Planned Unit Development. The deed had been recorded at the Livingston County Clerk's Office.

Negotiations are continuing with Verizon and are tenuous however it is taking a turn for the better. Further work is needed and will continue after the 1<sup>st</sup> of the year. Results are expected to be good with the focus on long-term issues. The lease binds the town for a long time and is currently favorable to the provider and not the Town. A top priority is to address these issues now. With significant monetary increases that are good for future negotiations.

Spoke with the Highway Superintendent Crye and will be working with him on putting together an inter-municipal agreement with regards to the bulldozer that is being purchased by the two communities; Town of Lima and Avon.

**DISCUSSION – WATER REPORT**

Water Superintendent McKeown was not in attendance and Supervisor LeFeber stated that there is nothing to report.

**DISCUSSION – HIGHWAY REPORT**

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

On Tec Drive we have been cutting trees, pulling stumps and removed rocks off the dirt pile, in the shop we have done cleaning and maintenance including the drains and floors, cleaned and waxed trucks, completing maintenance and serviced road side mowers and tractors, the tires have been picked up and we worked on the foundation for the Indian at the football field.

**DISCUSSION – ENGINEER REPORT**

Town Engineer Timothy Rock reported on the following:

The Web seminar on climate change that the Clerk shared is a Federal funded program and does not include solar panels. NYSEDRDA has a better program. Larsen Engineering Offices will be closed the week between Christmas and New Year's. He is available by cell phone.

Zoning map is being updated. Dan had Mary send the file of the roads that water mains are one and they are putting together the GIS and Water System and Zoning map.

A new zoning map will be available at the Annual Meeting that will include the zoning changes for West and Lyons properties.

**DISCUSSION CODE ENFORCEMENT REPORT**

Code Enforcement Officer Cappello reported on the following:

Sunday morning Greg Willy had removed Mrs. White trailer off of the lot. The work has been all a volunteer effort. The house is very nice and he is not sure how she will afford it.

He checked into a rumor of the new motorcycle shop moving into the East Avon old bank.

**DISCUSSION TOWN CLERK REPORT**

**Town Clerk's Report for December 13, 2012**

**Appointment**

Training of the Deputy Town Clerk Carolyn Dieter has been going well and she is a great asset to my Department. It has been advantageous to have the assistance of the prior Deputy Clerk for three days of training and a thank you is extended to the Board for their approval.

**Property Tax Bills**

We have been preparing to mail the taxes. They are not expected to be received in our office until the 21<sup>st</sup> of December. We have completed everything and are waiting for their receipt. The contract for the lockbox has been signed and a meeting has been scheduled for Friday at 10am to discuss the procedural details. A thank you is extended to Supervisor LeFeber for his request for the County to provide the bar codes on tax bills. This will be a savings to municipalities that contract with Five Star Banking for lock box. Talked with Community Bank today and the Clerk's office will have the capabilities to deposit tax payments to the tax account and then directly transfer to the Five Star account.

**DISCUSSION TOWN CLERK REPORT-continued**

**Dog Enumeration**

The first phase of the dog enumeration is completed, however; we continue to receive responses.

**Request to Use the Town Hall**

Next Wed. the Kraft Food Retirees will be hosting an informal gathering from 10-noon.

**NYS Archives Grant**

Dec 6<sup>th</sup> notification was received from Lisa that she will not be working on the grant. Discussions have occurred with the County Grant Writer and they are available to write the grant. Specific information will need to be provided to them from the Town and Village including specific record volume information and specs for the area to be constructed.

**Walter A McDermott**

Dated November 13th a letter agreement received and included in your packet. The agreement is to audit telephone bills to obtain credit or refunds for overages during a specific period of time. In the past this agreement has been approved by the Board and if I recall correctly we received a small refund. There is no cost to the town for this service other than the cost of our time to put it together and send it in.

**Legislation**

A request was made to write a letter to the Governor to share opinions of legislation that has been delivered to him awaiting his consideration of signature. Specifically, the bill will be to change where notice of claims is filed. If the new bill is passed those notices would be filed with the Secretary of State rather than the municipality directly.

**Serve both places.** Notice of claim is critical and there is a rigid time line. We know that we can keep track of that. Five weeks have passed and you might have made a difference.

Attorney Campbell stated that he supports writing a letter as this is a time sensitive issue. Supervisor LeFeber felt that if you are going to be sued you would want to know about it.

The Board took the following action.

**RESOLUTION #228 LETTER TO THE GOVERNOR**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to request the Town Clerk send a letter to Governor Cuomo expressing the concern of the Town to continue to be notified of all notices of claim and to request that the Governor not sign the legislation before him known as S.7641-B-Martins.

**RESOLUTION #228 LETTER TO THE GOVERNOR-continued**

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

**DISCUSSION – AUCTION INTERNATIONAL - 2009 FORD TRUCK BID**

There was discussion on the 2009 Ford Truck Bid. A legal notice was published and an agreement was signed with Auction International. At the close of the bid the Town of Avon is required to provide a dollar amount they will accept to the highest bidder. Town Clerk Knight recommended the Board enter executive session to determine that amount. It appeared the Board was in favor of Highway Superintendent Crye phoning each of the Board Members with the high bid amount to determine the minimum dollar amount.

**RESOLUTION #229 RECEIVE MONTHLY REPORTS FROM CITIZEN BANK, THE SUPERVISOR & 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 the Town Clerk and Supervisor Report as shown below:

Town Clerk November Report:

New York State (NYS) Department of Health	\$ 67.50
NYS Ag. & Markets for spay/neuter program	\$ 121.00
NYS Environmental Conservation	\$ 2225.90
Recreation	\$ 0.00
Water Fee	\$ 0.00
Town Local Shares Remitted	<u>\$ 2210.37</u>
<b>TOTAL</b>	<b>\$ 4624.77</b>

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

**DISCUSSION OPEN POSITION**

Supervisor LeFeber discussed the requirement for training opportunities that could provide the required hours to Members of the Planning and Zoning Board of Appeals. An advertisement of these positions will be placed in the Penny Saver. The goal would be to interview the last week of December as we usually only have a few applications. We do not advertise for long term employees whose term expires at the end of each year.

**DISCUSSION – SUPERVISOR REPORT**

Supervisor LeFeber reported on the following:

Assessor Snyder continues to experience computer delays downloading of pictures and text file. Changing our service package from Frontier was recommended by Hurricane Technologies. A contract was provided to Board Members for a three year term. Councilman Blye recommended negotiating a trial period prior to approving a three year term. Additional information will be gathered and considered at a future meeting.

A request was received from Steve Stephenson regarding the South Avon Cemetery to allow for burials of both William Combs who is sick at the present time and Doris Blakely. Town Clerk Knight reported she recently traveled to the home of Mr. Combs to perform a notary service. Mr. Combs is interested in being near his father-in-law, Ken Blakely. They will be cremated so the remains would not take up as much room. The recent survey has shown a significant amount of pioneer and/or unmarked graves. Councilman Blye shared his thoughts on the efforts the Town Board and would not like to piece meal requests. It appeared that the Board would like to offer to purchase an acre of property at fair market value to double the size of the cemetery. If the offer is declined then something else could be tried.

Discussion continued to improve the cold air seeping through the windows in the Court Office. It was suggested to go around the building and place poly, cardboard or plastic on the outside or inside of the windows. Another thought would be to purchase ceramic heaters with timers to help regulate the temperature in the room. The heaters give off a lot of heat and are safe. Drafts continue to come in through the basement wall and door.

Mike Hayes had put in a lot of work on the building and it was suggested to ask him for recommendations. He will be here on Friday afternoon to put up the outside wreath. Councilman Mairs and Steen would be here to show Mike Hayes the door and wall.

Avon Preservation & Historical Society windows are not tight and need attention. The historical significance of the building did not allow replacement window during the renovations as grant money would not have been received. Councilman Blye reported that Mike Carroll was unable to get recognition of historical registry for his building in East Avon due to replacement of windows.

**RESOLUTION #230 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 for payment Abstract 2012-23 in the following amounts:

**RESOLUTION #230 PAYMENT OF BILLS-continued**

<b>General Fund</b>	Voucher #496 through #521 in amounts totaling \$20,209.83
<b>Highway Fund</b>	Voucher #228 through #234 in amounts totaling \$4,561.31
<b>Water Fund</b>	Voucher #146 through #152 in amounts totaling \$49,347.69
<b>Cemetery Fund</b>	No Voucher
<b>Opera Block Capital Improvement</b>	No Voucher
<b>Royal Springs Lighting</b>	Voucher #12 through #12 in amounts totaling \$1,046.84
<b>Cross Roads Drainage District</b>	No Voucher
<b>Bruckel Drainage District</b>	No Voucher
<b>Royal Springs Drainage</b>	No Voucher
<b>Town Of Avon Fire Protection</b>	No Voucher
<b>Rte. 39 Water SW2</b>	No Voucher

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

**DISCUSSION OPEN ITEMS**

A report was received by from Livingston Mechanical and there are some follow-up questions.

Requests have been received for time off during the holiday season that is not a part of the handbook. The Board appeared to agree that the offices could be closed at noon on Christmas Eve and New Year's Eve; however, the decision is not setting preference for future years.

Visitor Chuck Morgan addressed the Board stating that he retired from Kraft and lives on River Street, has a daughter in high school and his Dad recently moved to the area. He will be replacing Councilman Blye on the Moratorium Committee.

On motion of Deputy Supervisor Mairs, seconded by Councilman Blye, the meeting adjourned at 8:22 P.M.

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