

A Regular Meeting of the Town of Avon was held on Thursday, December 27, 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: Highway Superintendent Thomas Crye, Code Enforcement Officer Anthony Cappello, Water Superintendent Daniel McKeown, and Town Clerk Sharon Knight  
CMC/RMC

VISITORS: None

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

Pledge of Allegiance

**RESOLUTION #231 APPROVAL OF THE MINUTES OF DECEMBER 13, 2012**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the minutes of December 13, 2012 as presented.

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

**DISCUSSION – HIGHWAY REPORT**

Highway Superintendent Thomas Crye reported on the following work being done over the last two weeks:

Cutting brush at the Royal Springs Development retention pond, some snow removal, keeping trucks maintained, the Indian has been installed at the Avon Central School, and the recently purchased dozer has been delivered to Lima.

The results of the 2009 Ford F150 was provided including Auction International final bid was \$11,700.00, Genesee Valley Ford \$13,000.00 and Tim Eastman \$12,500.00. Auction International was quote a minimum bid of \$14,000.00. There was discussion and the Board appeared to approve the bid of Genesee Valley Ford at \$13,000.00.

**DISCUSSION – HIGHWAY REPORT-continued**

The results of the 2013 Tandem Axle Truck Bid were shared as follows:

Tracey Road Equipment	\$178,853.00
6803 Manlius Center Road	\$2,950.00
East Syracuse, NY 13057	

Regional International Corporation	\$175,341.79
1007 Lehigh Station Road	
Henrietta, NY 14467-9311	

Both trucks meet the specs. Shane from Tendo has both model trucks in the shop right now and Councilman Ayers and Highway Superintendent Crye will look at them in the morning. If the low bid is not approved then documentation will be needed stating the reasons. It was questioned why Ken Worth did not bid. A 2014 truck bid would save money but the delivery date would be extended. The year “2014” on one of the bids may be a miss print. The bid results will continue to be discussed at the next meeting.

**RESOLUTION #232 DECLARE SURPLUS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to declare as surplus two Poulan contervibe chainsaws the first a 4000 and the second a 3400.

**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:

The new water truck is in and will be picked up tomorrow.

A service was provided on Antonio Drive.

A report on the tower will be presented and discussed at a future meeting.

It was recommended to surplus the 2009 truck by using the same procedure as the recently sold Highway Truck. The mileage is 50,000; it has a short cap, good tires and brakes. All bid results will be brought back to the Town Board for consideration.

**RESOLUTION #233 DECLARE SURPLUS THE 2009 WATER TRUCK**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to declare as surplus the 2009 Water Truck and to advertise for bid on Craig's List, Auction International and with a legal notice for sealed bids.

**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 Officer Cappello provided the following written reported:

**DEPARTMENTAL REPORT**

December 27, 2012

**BUILDING & ZONING**

**Code Enforcement/Zoning:**

Certified Electrical Inspectors – The Code Enforcement Officer has deputized six electrical inspectors.

In the July report, Code Clerk brought the attention of the Town Attorney and Town Board to a section code that appears to need amendment. No action has been taken to date. Town Code § 39-4 B(3) states, "Installation of swimming pools associated with a one- or two-family dwelling where such pools have a depth which is more than the minimum depth requiring fencing enclosure as set forth in New York State Code of Rules and Regulations." The NYCRR minimum depth is 24". What the Town Code effectively says is that no permit is required for a pool that is deeper than two feet. It should be changed to read "less than the minimum".

**Permits**

One hundred and twelve (112) building permits have been issued since January 1, 2012.

**Fire Inspections**

Fifty-one (51) fire inspections have been completed by Fire Marshal O'Keefe since he joined our office in October.

**Planning Board/ZBA**

There were no Planning Board or ZBA meetings in October, November, or December.

The January meeting will include a public hearing for the Halpin/Fowlerville Road subdivision and first review of the proposed Kemp (Lakeville Rd) subdivisions. Also, the Avon Self Storage Park is coming in for site plan review to expand their business to the old First Choice building and to change their signage.

**DISCUSSION CODE ENFORCEMENT REPORT-continued**

Supervisor LeFeber reported that last evening Ms. While was sitting in her car in her driveway and question if she does have a place to live. Code Enforcement Officer Cappello confirmed that Ms. White did have a place to live in East Avon.

Code Enforcement Officer Cappello also reported that he held a meeting with two potential home owners of property on Paper Mill Road.

**DISCUSSION – TOWN CLERK REPORT**

Town Clerk Knight provided the following written report:

**Town Clerk's Report for December 27, 2012**

**Property Tax Bills**

Typically the tax bills have been prepared for mailing prior to the Christmas holiday. With the receipt of the tax bills being a week later than previous years, the Deputy and I have been working steadily toward getting the bills prepared for mailing. And other duties have been put on hold. While other offices closed, our office continued to work through the holiday week. Assistance was given today by Stephanie Schweitzer and by Jim and Geri Brewer in stuffing some of the envelopes. Tax bills will be ready for mailing at the close of business on Friday, December 28, 2012. The last phase is to close the envelopes. Payments will be accepted beginning on Monday, the 31<sup>st</sup> of December. The online banking account procedures still need to be tested. A voucher for \$700 is in the abstract. This money will be deposited into a separate Five Star account and will be swiped by the bank for payment of \$.34 per tax bill processed for deposit.

**Dog Enumeration**

We continue to receive responses to our Dog Enumeration and have received twelve for the month of December.

**NYS Archives Grant**

Discussions continue with Thomas to write a Records Management Grant for the storage of inactive and permanent documents. Outstanding questions include is there a cost to storing Village of Avon records. The Village Board has not approved applying for the grant and will be meeting next Wednesday. A recommendation is for the Board to approve the Supervisor to sign a joint grant application just in case the application is completed on time. This resolution would then be shared with the Village Board for their consideration of the joint application. Also, I met with Tony Cappello regarding specs for the proposed storage space.

**Walter A McDermott**

The following e-mail was received from Jen Recht regarding the phone bill audit:

**DISCUSSION – TOWN CLERK REPORT-continued**

Hi Sharon,

Based on our conversation, I understand the Board denied the service of a phone bill audit because they thought there was a time element involved. This is simply not the case. We only need the first 3-4 pages of a recent phone bill-that's it. We do all the work. The last audit resulted in a \$80 refund and a few dollars were lowered on the bill. Audits should be repeated every two years as overbillings can accrue all the time. Please let me know if they will reconsider our services. It is really for the benefit of the Town.

Thank you!!

Jen Recht

Sales Manager

[jdrecht@wamtas.com](mailto:jdrecht@wamtas.com)

[www.wamtas.com](http://www.wamtas.com)

PH:201-248-9309

Does the Board want to reconsider this service?

**Town Clerk Benefited Employee**

An invoice was provided to me from Personnel Clerk Mary Blye for the cost of a health care plan and dental plan for my husband. Clarification of what benefits I received is needed from the Board. While considering merit or other ways to determine salary, it would be a benefit to me for the Board to provide me with their expectations such as vacation, sick days, holidays, floating holidays, sick or personal leave. It would be nice to begin 2013 with a clearly defined plan. Most importantly is the Board going to pay for a family plan including separate health care policies that is required due to age?

**Board Meeting Preparation**

The agenda was received this morning and the packets for the meeting were put together after 4pm today. The delay of information was unavoidable.

**Index of Destroyed Records**

One box of records was presented to the board for consideration and approval to destroy.

An agreement with McDermott could provide future savings as well as credits or refunds. The Board took action that follows.

There was further discussion of applying for a Joint Village/Town NYS Records Management Grant. The application is stronger when we apply jointly. The Board had discussions that included the need for a municipal agreement and to increase insurance if they were to provide space to the Village for record storage. Supervisor LeFeber will follow-up with Mayor Freeman for further discussion.

There was discussion of providing a family health care coverage to the Town Clerk. The discussion included but was not limited to:

**DISCUSSION – TOWN CLERK REPORT-continued**

At the hiring date a family plan was provided, the Board made changes to health care plans over time, dental family plan versus single dental plans, year to year buy outs, two person plans, the costs for a two person plan versus two separate plans, making a decision without referencing past practices, and an employee handbook review. Further discussion will continue at the next meeting.

**RESOLUTION #234 APPROVE SUPERVISOR TO SIGN THE INDEX OF DESTROY RECORDS DATED DECEMBER 24, 2012**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize Supervisor LeFeber to sign the Index of Destroyed Records dated December 24, 2012 to allow for the destruction of the records as follows:



**RESOLUTION #234 APPROVE SUPERVISOR TO SIGN THE INDEX OF  
DESTROY RECORDS DATED DECEMBER 24, 2012-continued**

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

**RESOLUTION #235 APPROVE SUPERVISOR TO SIGN AUDIT AGREEMENT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to authorize for Supervisor LeFeber to the sign the audit agreement that follows:



40 North Van Dien Ave  
Ridgewood, NJ 07450  
www.wamtas.com

201.445.3901  
201.445.5136 fax

November 13, 2012

The following are the terms of the agreement between  
Walter A. McDermott, a telephone auditing service and Town of Avon.

McDermott will audit the monthly service and equipment  
portion of client's telephone bills. The objective of the  
audit is as follows:

To obtain credits or refunds for the entire  
period of time that the overcharges have  
been in existence.

The fee for obtaining credits or refunds is fifty percent  
of the credit or refund. This fee is payable when you  
receive the credit or refund. If McDermott is not  
successful in obtaining a credit or refund, then McDermott  
will not earn a fee.

The enclosed letter of authorization is a standard  
requirement of all telephone carriers. It must be  
retyped on your letterhead and returned to me along  
with a signed copy of this agreement.

ACCEPTED:

Town of Avon  
27 Genesee Street  
Avon, NY 14414

---

David LeFeber

ACCEPTED:

Walter A. McDermott  
40 North Van Dien Avenue  
Ridgewood, NJ 07450

---

Jennifer Recht  
Jennifer Recht

**RESOLUTION #235 APPROVE SUPERVISOR TO SIGN AUDIT AGREEMENT-continued**

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

**DISCUSSION - OPEN ITEMS**

Councilman Blye reported on the proposal from Frontier to increase our internet service. He is asking the same questions to Frontier as they did not answer them the first time regarding installation fees and getting out of the contract if it's not meeting our needs. An answer is expected by our Organization Meeting schedule for next Thursday.

Deputy Supervisor Mairs and Councilman Ayers have not heard anything from the Avon Ambulance except everyone received the fund drive letter. Supervisor LeFeber reported that he has not had a response to the joint letter sent.

**RESOLUTION #236 AUTHORIZE OF PAYMENT OF BILLS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2012-24 in the following amounts and the noted change for Voucher number 244 from DA5130.4 to DA5130.2:

Concerning ABSTRACT of Claims Number 2012-24 including claims as follows:

General Fund	Voucher #522 through #541 in amounts totaling \$4,063.14
Highway Fund	Voucher #235 through #252 in amounts totaling \$18,414.39
Water Fund	Voucher #153 through #156 in amounts totaling \$22,537.63
Cemetery Fund	No Voucher
Opera Block Capital	No Voucher
Improvement	No Voucher
Royal Springs Lighting	No Voucher
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 Ayers - Aye, Councilman Steen- Aye, Councilman Blye - Aye, Deputy Supervisor Mairs - Aye, Supervisor LeFeber – Aye**

**DISCUSSION - OPEN ITEMS**

Deputy Supervisor Mairs and Councilman Steen updated the Board on their investigation of cold air coming into the building in the Court Office and the basement West Wall. The recommendation in the Court is to put latches on the windows, and use ceramic heaters that turn on prior to the opening of the office and the employee turning off at the end of the day.

In the basement, foam and dry wall that is to be caulked and sealed. Also, installation of a handle on the back door to eliminate the need to go outside to completely close the door and installing screw-on brush sweeps.

**RESOLUTION #237 ADOPT THE FOLLOWING BUDGET TRANSFERS**

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

ADOPTED AYES 5 NAYS 0

## PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 12/27/12 MEETING:

**GENERAL FUND-TOWNWIDE**

		UNANTICIPATED REVENUE	
<i>Transfer From:</i>	A2544	Dog Licenses	\$ 529.00
	A2610a	Cty Fine Reimb	\$ 16,134.00
	A2770	Miscellaneous	\$ 8,839.00
		<b>TOTAL:</b>	<b>\$ 25,502.00</b>
<i>Transfer To:</i>	A1110.1	Justice Svc.	\$ 557.00
	A1110.1a	Justice Court Svc.	\$ 3,617.00
	A1110.1c	Justice Court Svc.	\$ 2,132.00
	A1220.4	Supervisor Contr.	\$ 3,062.00
	A1330.4	Tax Collection Contr.	\$ 86.00
	A1410.1a	Dep. Town Clerk Svc.	\$ 6,474.00
	A1410.4	Clerk Contr.	\$ 1,396.00
	A1420.4	Attorney Contr.	\$ 1,109.00
	A1430.1	Personal Svc	\$ 77.00
	A1460.4	Records Mgmt Grant	\$ 477.00
	A7310.4	Youth Contr.	\$ 1,727.00
	A7510.1a	Deputy Historian Services	\$ 135.00
	A7510.4	Historian Contr.	\$ 376.00
	A8810.4	Cemetery Cont.	\$ 3,700.00
	A9060.8	HRA Account	\$ 577.00
		<b>TOTAL:</b>	<b>\$ 25,502.00</b>

**GENERAL FUND-OUTSIDE VILLAGE**

		UNANTICIPATED REVENUE	
<i>Transfer From:</i>	B1120	Sales Tax	\$ 4,688.00
		<b>TOTAL:</b>	<b>\$ 4,688.00</b>
<i>Transfer To:</i>	B1420.4	Attorney Contr.	\$ 3,725.00
	B1440.4	Engineer Contr.	\$ 41.00
	B3620.1b	Safety Inspections Clerk	\$ 681.00
	B6410.4	Publicity Contr.	\$ 241.00
		<b>TOTAL:</b>	<b>\$ 4,688.00</b>

**HIGHWAY FUND TOWN-WIDE**

		UNANTICIPATED REVENUE	
<i>Transfer From:</i>	DA2414	Equip Rtl Oth Go	\$ 8,541.00
		<b>TOTAL:</b>	<b>\$ 8,541.00</b>
<i>Transfer To:</i>	DA5130.1	Cell Phone Reimb	\$ 24.00
	DA5130.4	Machinery Contr.	\$ 6,519.00
	DA5130.4	Miscellaneous	\$ 176.00
	DA5140.1	Brush Personnel Svc.	\$ 1,391.00
	DA9060.8	HAS Account	\$ 431.00

**TOTAL:** \$ 8,541.00

**HIGHWAY FUND -OUTSIDE VILLAGE**

<i>Transfer From:</i>	DB9060.8	Hospital/Medical Ins	\$	5,577.00
		UNANTICIPATED REVENUE		
	DB2300	Services Other Gov't	\$	34,209.00
	DB3501	Chips	\$	567.00
	DB3960	Fema	\$	3,402.00
	DB4960	Fema	\$	20,414.00
		<b>TOTAL:</b>	\$	<u>64,169.00</u>

<i>Transfer To:</i>	DB5110.1	General Repair Svc.	\$	18,521.00
	DB5110.4	General Repair Contr.	\$	28,072.00
	DB5130.4	Machinery Contr.	\$	15,507.00
	DB9030.8	Social Security	\$	2,069.00
		<b>TOTAL:</b>	\$	<u>64,169.00</u>

**WATER FUND**

		UNANTICIPATED REVENUE		
<i>Transfer From:</i>	SW2140	Metered Sales	\$	13,208.00
	SW5730	BAN	\$	105,000.00
		<b>TOTAL:</b>	\$	<u>118,208.00</u>

<i>Transfer To:</i>	SW1420.4	Legal Fees	\$	768.00
	SW8340.1	Transmission Svc	\$	11,633.00
	SW8340.2	Transmission Equipment	\$	807.00
	SW9730.6	Ban Principle - Henty Rd	\$	105,000.00
		<b>TOTAL:</b>	\$	<u>118,208.00</u>

**CEMETERY FUND TOWN-WIDE**

		UNANTICIPATED REVENUE		
<i>Transfer From:</i>	C2192	Cemetery Services	\$	131.00
		<b>TOTAL:</b>	\$	<u>131.00</u>

<i>Transfer To:</i>	C1990.4	Contingency	\$	131.00
		<b>TOTAL:</b>	\$	<u>131.00</u>

**RESOLUTION #237 ADOPT THE FOLLOWING BUDGET TRANSFERS-**  
**continued**

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

**DISCUSSION SUPERVISOR REPORT**

Supervisor LeFeber reported that an advertisement was placed in the Penny Saver and we have had a couple responses for open positions of Boards. Zoning Board of Appeals Member Sam Price has not yet responded to a letter of interest regarding re-appointment. He also is in need of training hours. Deputy Supervisor Mairs and Councilman Steen will contact Mr. Price.

On motion of Councilman Blye, seconded by Supervisor LeFeber, the meeting adjourned at 8:09 P.M.

Respectfully submitted by,

\_\_\_\_\_  
Sharon M. Knight CMC/RMC Town Clerk