

A Regular Meeting of the Town of Avon was held on Thursday, February 23, 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 and his Clerk Mary Blye, Historian Maureen Kingston, Avon Representative to the Livingston County Traffic & Safety Board, and Town Clerk Sharon Knight, CMC/RMC

VISITORS: GeneseeSun.com Owner Josh Williams, Daniel Schubmehl, Paul Batz, Bill Gerych, Clara Mulligan, Bruce Clarke, Tom Felton, Mike Froome, Kim Snyder, Matt Maurer, Julie Maurer, Sean Maurer, Patricia Moran, Deborah Cochrane Luke Salogar, Marla Palmiter, Paul Swartz, Ann Cady Jenson, Jim Welch, Deirdre Phillips, Paul Phillip and others

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 #53 APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of February 9, 2012 as presented.

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

RESOLUTION #54 APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of February 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 – HISTORIAN REPORT

Supervisor LeFeber welcomed Historian Kingston to provide a report of her Department and she addressed the Board and visitors by providing the following written report:

Office of Avon Town Historian

WHO: Maureen Kingston, appointed by the Supervisor and Board to serve as Historian. This year for the first time, a Deputy Historian has been added to the office staff. That person is Holly Watson. Also serving are volunteers who contribute to the success of the department. Presently they are Darwina Michael and Marcia Skinner.

WHAT: The job of historian has evolved from being a simple collector of facts and dates to being an active part of Town government, offering services to the public in local history.

WHEN: Office hours are Tuesdays from 2 to 5 p.m. with availability by appointment at other times.

WHERE: The office is located on the lower level of the Town Hall.

WHY: A network of local historians was established in 1919 when New York became the first state in the US to officially call for the appointment of an historian for each municipality. In each jurisdiction, the historian is appointed by the respective governing body and is responsible to that body.

Historians from all Livingston County towns meet regularly. The counties of Western New York have formed an organization, Government Appointed Historians of Western New York, offering two informative conferences each year in support of the local historian and local history.

CURRENT PROJECTS: Clearing, labeling, filing various boxed items. Pictures are the main emphasis at this time—Holly

Researching various inquiries including those in backlog—Darwina

Copying, filing items such as obituaries of Avon people, etc.—Marcia

Newsletter centering on the War of 1812, with help from a former volunteer;
active research in various areas—Maureen

DID YOU KNOW? A young man from Avon fought and was killed at the Alamo. John Hubbard Forsyth was born in Hartford (Avon) in 1797. It is reported that he was trained as a doctor but never practiced. Upon the death of his young wife, he left New York in 1828, went to Kentucky and then to Texas as captain of a volunteer force. He died March 6, 1836.

Department Overview
Town Board Meeting, February 23, 2012
Maureen Kingston, Historian

DISCUSSION – HISTORIAN REPORT-continued

Historian Kingston continued stating the office was now open on Mondays.
Howard Appell is working on a program on the War of 1812 on March 3rd at 1:00 P.M.
Supervisor LeFeber thanked our Historian for all the work that she does.

DISCUSSION – WATER REPORT

Supervisor LeFeber welcomed Water Superintendent McKeown and Water Clerk Blye to provide a report on their Department. Water Superintendent McKeown addressed the Board and visitors by providing the following written report:

TOWN OF AVON

Water Superintendent
Dan McKeown

Memo

To: Town Board
From: Dan McKeown
Date: **February 22, 2012**

My responsibilities as Water Superintendent include the following:

1. Prepare and maintain a department budget of over ½ million dollars.
2. There is approximately 19 miles of pipe that I maintain and monitor. This would include repair, installations and inspections, new hook ups and repairs.
3. Maintenance and monitoring of 162 fire hydrants. Hydrants are usually flushed twice a year. Hydrants require routine maintenance as does the area surrounding the 162 hydrants snow removal and grass trimming as necessary.
4. Sampling according to State and County regulations. Reporting monthly to the Livingston County Department of Health.
5. Meters are physically read 4 times a year. Walking the meter reading route allows me the opportunity to observe the individual water lines and potential for any problems. I also maintain individual meters and repair and replace as necessary. Meters are installed for new customers as well. I also monitor meters as per customer's requests who feel that their readings may be excessive.
6. Respond to any public concerns regarding water.
7. I am responsible for maintaining the system's two storage tanks. The 125,000 gallon tower in East Avon and the 500,000 gallon tank at the Town line are monitored by computer and physical inspection on a nearly daily basis.
8. The system also includes a pump station on Agar Road and three PRV stations – located on Lakeville Road, Avon-East Avon Road and Lake Road which I maintain.
9. I respond to any stake out notices received from Dig Safely.
10. Constant monitoring of the telemetry system via remote computer access and responding to any and all alarms received.
11. I usually also respond to most fire calls within the Avon districts – both Village and Town to monitor fire flow and make adjustments as needed.

DISCUSSION – WATER REPORT -continued

The Board asked questions and they were provided with answers that included:

We are changing approximately 15 – 20 meters and we have 700 meters, hydrants will be painted this summer, the computer program is 7 or 8 years old and needs to be replaced as the old program “US Filter” is no longer compatible. Painting the elevator tank is a future project as currently there is chipping on the outside legs.

DISCUSSION – AVON REPRESENTATIVE TO THE LIVINGSTON COUNTY TRAFFIC & SAFETY BOARD

Supervisor LeFeber welcomed our Livingston County Traffic & Safety Board Representative Dennis Wright to provide a report on his position on the Traffic & Safety Board.

Dennis addressed the Board and those in attendance stating he just finished his third year and received a reappointment for an additional three years. He has recently been appointed to serve as Secretary to the Board. Mr. Wright stated that he has worked for New York State Transportation for forty years and is still learning. A program will be offered entitled “Road Safety Audits” that would consist of a devise board to review traffic concerns. Specific areas of concern are the intersection of Pole Bridge Road and Route #5 & #20 as well as the speed limit on Route #5 & #20, and in the Village near the railroad tracks. These are realistic requests that are being made for changes.

It was suggested and the Board appeared to be in favor of sending a joint letter requesting the reduction of speed on Route #5/20 entering the Village.

Supervisor LeFeber thanked Mr. Wright for his attendance and update that he provided.

DISCUSSION – LITTLEVILLE ROAD CULVERT

Supervisor LeFeber welcomed Mr. Lee to the meeting to discuss the Littleville Road culvert project. Engineer Rock described the project and Councilman Ayers will revisit the property along with Mr. Lee for approval. Mr. Lee’s follow-up is needed to provide his abstract.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Thomas Crye reported on the following activities in his department:

Snow removal, serviced excavator, started resurrecting boom mower, cut brush, kept trucks and shop serviced and cleaned, painted bucket on loader and rusted areas.

DISCUSSION – CODE ENFORCEMENT REPORT

Code Enforcement Officer Anthony Cappello was not in attendance as he is recovering from surgery on his shoulder.

Supervisor LeFeber stated that at the Village Board meeting Code Enforcement Officer Cappello was recognized by Richard Gage, Tsgt, USAF Flight Medic, the Village Board and those in attendance. Mr. Cappello was presented with a flag that was flown in an Aeromedical Evacuation combat mission over the Country of Afghanistan on January 1, 2012. Mr. Cappello has made contributions of items needed and used to enhance the emergency medical care in Afghanistan.

DISCUSSION – TOWN CLERK REPORT

Town Clerk Knight provided a report as follows:

Communication was received as follows:

- A. 1-4 Computer Usage (4 Departments)
- B. Certificate of Appreciation – Tony Cappello
- C. 1-4 E-mails - Moratorium
- D. 1-3 Village of Avon – Website support and management
- E. Junior Achievement – Volunteer spotlight
- F. South Avon Water
 1. Liv. Cty. Department of Health – Approval of Plans
 2. Larsen Engineers – Pressure test results and lab. analysis
3. FOIL – Freedom of Information Law - Intra-Agency Records

There was discussion regarding the new law that requires the Town Clerk to make available any information prior to Board meetings that will be considered by the Board to make decisions. The following list of Intra-agency records that cannot be withheld were identified by the Clerk and provided to the Board. They include:

- i. statistical or factual tabulations or data;
 - ii. instructions to staff that affect the public;
 - iii. final agency policy or determinations; or
 - iv. external audits, including but not limited to audits performed by the comptroller and the federal government
4. Livingston County Board of Elections – NYS Election Law Section 4-106

The certification of offices form requires discussion of the Board to determine if they will be considering a proposition for the ballot in November. The Board appeared to not have any proposition.

5. A-D Livonia Dog Census Information - Town of Avon Procedure

The Board appeared to be in favor of completing a dog census. The census will be scheduled around the Livingston County Department of Health “FREE rabies clinic”.

6. Job Descriptions – Livingston County Personnel

Job descriptions were provided to the Board as filed with the County as well as in the Clerk’s Office. The term of office for the Planning Board was changed from 5 to 7.

7. Contract – Agreement Between The Avon Central School District/Town of Avon/Village of Avon

After Attorney Campbell reviews the contract, it will be signed by the Supervisor.

Residents are calling for the dates for dump days and they have been confirmed by Highway Superintendent Crye to be the 2nd Saturday of May, June, September and October.

DISCUSSION – TOWN CLERK REPORT-continued

Both Mrs. Rizzo and Ms. Schweitzer have returned to their hours prior to tax collection as the collection of taxes has slowed down.

Town Clerk Knight provided to the Board documents for local law T-1A-2012 and T-2A-2012 as requested by Attorney Campbell.

DISCUSSION – LOCAL LAW T-1A-2012

Supervisor LeFeber reviewed the step taken in regards to proposed local laws and public hearings regarding natural gas exploration. The proposed law presented by Attorney Campbell in draft form T-1A-2012 would not place any harm on the current gas wells and the Board took the following action.

RESOLUTION #55 SET PUBLIC HEARING ON LOCAL LAW T-1A-2012

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

ADOPTED AYES 5 NAYS 0

RESOLUTION

Councilman Steen presented the following resolution and moved that it be adopted and it was seconded by Councilman Ayers:

RESOLUTION DATED February 23, 2012.

A RESOLUTION SETTING A PUBLIC HEARING RELATIVE TO PROPOSED LOCAL LAW T-1A-2012 AND AUTHORIZING THE TOWN CLERK TO ADVERTISE SAID PUBLIC HEARING AND REFER SAID PROPOSED LOCAL LAW TO THE LIVINGSTON COUNTY PLANNING BOARD AS WELL AS PROVIDE ALL REQUIRED COPIES AND/OR REFERRALS TO NEIGHBORING MUNICIPALITIES.

NOW, THEREFORE BE IT RESOLVED, that:

- 1) The Town Board of the Town of Avon hereby sets a date for a public hearing pursuant to Town Law §130 and §264 for public opinion and comment relative to proposed Local Law T-1A-2012 such hearing to take place on March 22, 2012 at 7:00 p.m., at the Avon Town Hall, 23 Genesee Street, Avon, New York; and

RESOLUTION #55 SET PUBLIC HEARING ON LOCAL LAW T-1A-2012-continued

- 2) The Town Board of the Town of Avon authorizes the Town Clerk to advertise and publish notice of such public hearing and refer the proposed Local Law T-1A-2012 to the Livingston County Planning Board as well as provide copies and/or referrals to neighboring municipalities.

Dated: February 23, 2012

The vote duly taken resulted as follows:

David LeFeber, Supervisor	AYE
Thomas Mairs, Deputy Supervisor	AYE
James Blye, Councilperson	AYE
Richard Ayers, Councilperson	AYE
Richard Steen, Councilperson	AYE

Accordingly, the resolution was adopted by a vote of 5-0

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

DISCUSSION – LOCAL LAW T-1A-2012

Several public comments were provided to the Board and a portion of the comments are as follows:

It was questioned if current wells are hydrofractured with or without the use of chemicals.

A review of the timing of receiving information, development of proposed local laws and the actions of the Town Board

The ruling on the Town of Dryden's case by the New York State Supreme Court

An article in our local Democrat & Chronicle

Other Town's considerations and actions

The name of an attorney that is working with the Town of Livonia was provided

The process of a referendum was discussed

Supervisor LeFeber shared the thought on a moratorium being a timeframe to look at permitting, outright ban or other options. The New York State Department of Conservation is the current authority of permitting. The Public Hearing allows for the collection of testimony and only after the public hearing would the Board take any action.

DISCUSSION – LOCAL LAW T-2A-2012

Town Clerk Knight provided the Board with the draft of Local Law T-2A-2012 on behalf of the Town Attorney. Supervisor LeFeber stated the Board would consider action at the next meeting.

DISCUSSION – EMPLOYEE HANDBOOK

Supervisor LeFeber opened the discussion on the employee handbook stating a representative will be presenting the handbook to employees as a part of their contract on March 5th or 6th. A resolution adopting the handbook was made on December 29th.

There was discussion on the draft form including the Standard of Conducts - Code of Ethics, page 400-9, the number of holidays, Martin Luther King Day and Columbus Day are not a part of the current holidays, 6 month employee receiving vacation, short term disability, amounts of holidays, sick time, personal time.

DISCUSSION – DEFERRED COMPENSATION PLAN

There was discussion on the NY Administrative Service Agency and if the Town of Avon is interested in becoming a member to offer a State Plan. This will be discussed after it is determined if it's a New York State Plan or if it just appears to be a plan that looks like it's a State Plan.

OPEN ITEMS - DISCUSSION OPENING OF MAIL AND MAILBOXES

Councilman Ayers opened the discussion on it not being the Town Clerk's responsibility to distribute mail or date stamp mail on behalf of the Town and that this was a Town Board decision. Additional discussion took place on the purchase of mailboxes including prices and types of mailboxes. The Board appeared to be in favor of the approximate cost of \$1,100.00 versus the \$2,500.00 cost as well as requesting that the Town Clerk accept and distribute mail. Town Clerk Knight agreed to this responsibility and appreciated the purchase of mailboxes.

DISCUSSION – VOUCHER FOR UNUSED SICK TIME

There was discussion on a voucher signed by Water Superintendent McKeown for the accumulated sick time. Discussion included the use of compensation time, a request for an hourly rate of pay, sick time, salary versus hourly rates, keeping time sheets, vacation time, personal days, working over forty hours, and emergency calls including fire calls.

OPEN ITEMS – CODE ENFORCEMENT OFFICER AND FIRE MARSHALL

Councilman Steen and Blye met to discuss the open position of Code Enforcement Officer. The applications were narrowed to five but none have the required certification. It was recommended and the Board appeared to be in favor of using the services of

OPEN ITEMS – CODE ENFORCEMENT OFFICER AND FIRE MARSHALL-continued

Thomas Perkins, Code Enforcement Officer for the Town of Caledonia. Our current voucher system would be used for payment of services.

RESOLUTION #56 PAYMENT OF BILLS

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2012-4 in the following amounts:

Concerning ABSTRACT of Claims Number 2012-4 including claims as follows:

General Fund	Voucher #72 through #91 in amounts totaling \$1,866.32
Highway Fund	Voucher #25 through #34 in amounts totaling \$16,636.40
Water Fund	Voucher #18 through #21 in amounts totaling \$47,572.48
Cemetery Fund	Voucher #2 through #2 in amounts totaling \$ 250.00
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	Voucher #2 through #2 in amounts totaling \$81.30

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

DISCUSSION – IT SERVICE & BUILDING MAINTENANCE

Councilman Ayers and Steen reported on a recent meeting held with Hurricane Technology and the Board appeared to agree with the recommendation of a regular weekly support to the employees as preventative maintenance and the requirement of quarterly reports, everyone will share a notebook to list their department needs. Other improvements will include using a seven year cycle of deleting files that we are not required to keep. The reduction of files has already taken place within the Town Clerk's office. There is no increase in costs in the proposals.

DISCUSSION OPEN ITEMS

Councilman Steen requested the Town Clerk Knight be provided the ability to control the heat for the building and to approve removal of the lobby camera. The Board appeared to be in agreement of both recommendations.

Town Clerk Knight questioned who is handling the keys for the building as the Recreation Director's fob is not working. Supervisor LeFeber responded stating that Kelly Cole continues program fobs. Town Clerk Knight stated she would contact him for the reprogramming.

Supervisor LeFeber stated that Facebook would be blocked out from use for the Town of Avon. The Board appeared to approve the Town Clerk to request assistance from others to contact those in the military using Facebook.

Councilman Ayers requested that the Board approve the Town Clerk to be able to post items on our web site and the Board appeared to agree. There was further discussion on the requirement of posting information prior to the Board meeting..

Councilman Ayers reported that he would be traveling to Albany on March 6 and 7th to lobby for the long range funding of CHIPS money.

Town Clerk Knight reported that we received a credit card in the mail. The Board confirmed that the Town of Avon does not have any credit cards and asked that it be destroyed.

DISCUSSION – PUBLIC COMMENTS

Visitor Clara Watson expressed her interest in updating the Comprehensive Plan.

DISCUSSION – OPEN ITEMS

Water Superintendent McKeown re-opened the discussion of employee benefits and relationships.

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

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