

A Regular Meeting of the Town of Avon was held on Thursday, July 12, 2007 at 6:00 P.M. at the Avon Town Hall with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Kelly Cole, Councilman Donald Cook, Jr., Councilman James Blye and Councilman Thomas Mairs

OTHERS: Highway Superintendent Robert Ayers, Attorney Timothy Ingersoll, Engineer Timothy Rock, Water Superintendent Daniel McKeown, and Minute Taker Mary Blye

VISITORS: Bill Combs (arrived at 7 P.M.)

Pledge of Allegiance

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

RESOLUTION #115  
APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the amended minutes of May 10 and May 24, 2007.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #116  
APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the amended minutes of June 14, 2007.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #117  
APPROVAL OF MINUTES

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the minutes of June 28, 2007 as amended.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #118  
RESCIND RESOLUTION

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

ADOPTED AYES 5 NAYS 0

RESOLVE to rescind resolution #91 set public hearing – annexation of land to the Village of Avon, adopted, May 24, 2007.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

DISCUSSION  
ATTORNEY REPORT

Attorney Ingersoll has sent a letter to Attorney James Coniglio regarding the proposal from Helge Heen. He has had no response as of yet from Mr. Coniglio. In a previous conversation with Tim Ingersoll, Mr. Coniglio said that he believes that Mr. Heen should be compensated for the taking of open space by the Town within the Ashantee development. As the open space requirement is a condition of the approved PUD Attorney Ingersoll feels that compensation would be an unlikely occurrence. There would also be a statute of limitations that would have to be considered.

Supervisor LeFeber reported that a joint meeting with the Town Board and Planning Board will be held at Royal Springs in reference to Peter Kolokouris' request for rezoning of additional property. The Boards will be reviewing the current housing and

DISCUSSION-continued  
ATTORNEY REPORT

looking at future development requirements in the PUD for extension of the various districts within the development as well as an extension of the PUD itself. This would be in preparation for a possible public hearing in regard to this request. Drainage issues and concerns within the development are being addressed with the developer and NYS DEC and will be resolved before the Town accepts dedication.

Supervisor LeFeber also reported that there are a few properties within the Town that are being notified and/or ticketed for unkempt property conditions. The Code Department is following up with these issues and fire inspections continue.

DISCUSSION  
HIGHWAY REPORT

Highway Superintendent Ayers reported that the highway department has been doing work for the County, such as mowing and ditches. The bulk petroleum storage permit was about to expire. The permit has been reapplied for and approved by the NYS DEC. The permit will be good for five years. Supervisor LeFeber reported that he received the request for renewal of the NYS Snow and Ice contract from Livingston County. The renewal of the contract will be considered at a future meeting.

DISCUSSION  
WATER REPORT

Water Superintendent McKeown reported that he has started reading meters for the quarter. There were over 9 million gallons of water pumped for the month of June and so far it looks as though there will be an even larger amount pumped in the month of July. He has ordered a replacement hydrant for a location on Pole Bridge Road.

DISCUSSION  
CODE ENFORCEMENT

The following written Code Enforcement report was provided:

DEPARTMENTAL REPORT

July 2007

**BUILDING & ZONING**

PERMITS

Six building permits were issued in July 2007. List attached.

PROJECTS currently under Planning Board consideration:

- There was no meeting scheduled for July 2007.

PROJECTS under Zoning Board of Appeals consideration:

DISCUSSION-continued  
CODE ENFORCEMENT

- Dale and Patricia McNeil will be meeting with the ZBA this month to pursue a possible use or area variance for their Lake Road property. They have had horses there for the past 6 years, though they do not meet the lot requirements to keep them at that location.

PROJECTS/PERMITS being monitored by Code Enforcement/Zoning:

Lee Rodamaker continues to conduct Fire/Safety Inspections.

Violation notices have been issued to several property owners for having weed growth in excess of 10 inches.

Michael Carey, 5586 Henty Road, was given an Appearance Ticket for exterior storage of garbage/rubbish. Mr. Carey failed to appear in court on Tuesday, July 10, 2007. The matter has been rescheduled for July 31, 2007.

DISCUSSION  
ENGINEER REPORT

Larsen Engineer Rock reported on the following:

There were six bidders for the Town Line tank painting project. R.W. Painting, Inc. was the low bidder at \$83,000. Engineer Rock recommends that the contract be awarded to that firm. Deputy Supervisor Cole asked about the warranty period on the project. Engineer Rock responded that there is a one year warranty on the work and that the tank will be inspected again just prior to the one year date to insure that the work is in order. He also reported that he has had one inquiry from Verizon with regard to the structural plans for the water tower cell installations.

On the recommendation of Larsen Engineer Timothy Rock the following resolution was made and adopted:

RESOLUTION #119  
ACCEPTANCE OF BID

On motion of Deputy Supervisor Cole, seconded by Councilman Cook the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the bid of R.W. Painting, Inc. in the amount of \$83,000.00 for the painting of the Town Line water tank.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

DISCUSSION  
SUPERVISOR'S REPORT

Supervisor LeFeber reported on the following:

Supervisor LeFeber made a phone call to follow up on the letter regarding cell tower sites. He did not feel that there was any benefit monetarily to the Town to use the services that were being offered.

RESOLUTION #120  
ACCEPT MONTHLY BUDGET REPORTS

On motion of Deputy Supervisor Cole, seconded by Councilman Cook the following resolution was

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the Supervisor's and Town Clerk's monthly budget report for the month of June, 2007.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #121  
APPROVAL OF INSPECTORS FOR REFERENDUM

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the names of Marcia Barrett, Jane Figler, Jean Swart, Dolores Gunther, Betty Valentine, Angelo Locurto, Laurel McManus and Dorothy Tubbs to serve as election inspectors for the referendum to be held on August 16, 2007 and the purchase of pizza, soda and water for the inspectors.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #122  
PAYMENT OF BILLS

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

RESOLVE to approve Abstract 2007-13 in the follow amounts:

General Fund	Vouchers #292 through #316 in amounts totaling \$10,568.48
Highway Fund	Voucher #162 through #175 in amounts totaling \$5,870.99
Cemetery Fund	No Voucher
Water Capital Improvement	No Voucher
Water Fund	Voucher #140 through #151 in amounts totaling \$4197.86
Royal Springs Lighting	No Voucher
Special District Fund	No Voucher

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #123  
BUDGET TRANSFERS

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

RESOLVE to approve Budget transfers to and from the following accounts in the following amounts:

**GENERAL FUND-TOWNWIDE**

UNANTICIPATED REVENUE

Transfer from:	A3040	Real Property Tax Admin	\$ 361.00
		<b>TOTAL:</b>	\$ 361.00

Transfer to:	A1950.4	Taxes & Assessment of Property	\$ 361.00
		<b>TOTAL:</b>	\$ 361.00

**GENERAL FUND-OUTSIDE VILLAGE**

UNANTICIPATED REVENUE

Transfer from:	B2401	Interest CD	\$ 787.00
		<b>TOTAL:</b>	\$ 787.00

RESOLUTION #123-continued  
BUDGET TRANSFERS

Transfer to:	B1440.4	Engineer Contr.	\$ 639.00
	B7550.4	Celebrations	\$ 148.00
		<b>TOTAL:</b>	\$ 787.00

HIGHWAY FUND TOWN-WIDE  
UNANTICIPATED REVENUE

Transfer From:	DA2302	Other Gov't. Svc - Snow	\$28,102.00
	DA2401	Interest -CD	\$439.00
	DA2665	Sale of Equipment	\$23,947.00
	DA2770	Miscellaneous	\$3,000.00
		Unexpended Balance	<u>\$12,861.00</u>
		<b>TOTAL:</b>	\$68,349.00

Transfer To:	DA5130.2	Machinery Equipment	\$67,349.00
	DA5142.4	Snow Removal Town Contr.	<u>\$1,000.00</u>
		<b>TOTAL:</b>	\$68,349.00

WATER FUND

Transfer From:	SW2148	Relevy	<u>\$2,019.00</u>
		<b>TOTAL:</b>	\$2,019.00

Transfer To:	SW1440.4	Engineer Contr.	\$2,000.00
	SW9050.8	Unemployment Insurance	<u>\$19.00</u>
		<b>TOTAL:</b>	\$2,019.00

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

DISCUSISION

OLD & NEW BUSINESS

Supervisor LeFeber reported that notification has been received that Assessor Pat Brede's term expires on September 30, 2007 pursuant to NYS Real Property Law §310. No action is necessary this evening but this will need to be addressed before the expiration of the term.

DISCUSISION-continued  
OLD & NEW BUSINESS

Supervisor LeFeber also reported that he has reviewed the correspondence received from Assembly Minority Leader James Tedisco and does not wish to take any action. The Board was in agreement that no action was necessary.

Supervisor LeFeber opened the floor to the Board for discussion on the plan for the Opera Block. Deputy Supervisor Cole reported that there is a citizen's committee involved. That committee will meet and Deputy Supervisor Cole will report to the Board as to any recommendation or suggestion that the committee may have. Further discussion included the suggestion that the cost of a new building be used as a comparison to what the bond issue is. New building costs are currently in the range of \$135 to \$150 per square foot. Those costs do not include the cost of land or improvements to the land such as parking areas. Some people on fixed incomes have concerns about any increase to their taxes. Other residents are enthused about the project and the potential for the building. Deputy Supervisor Cole asked for approval from the Board to put an ad in the Livingston County News and the Pennysaver informing people of the vote. The Board was in agreement with his request. The Board also agreed that they would continue to aggressively seek any grant funding that may be available to help to offset the overall costs of the Opera Block project to the taxpayers.

Supervisor LeFeber also said that he had recently heard that there may be another local independent newspaper starting up.

DISCUSISION  
OPEN ITEMS

Councilman Mairs reported that he and Councilman Cook joined the Water Works Committee for a tour of the Pebble Beach pump station. The building is in need of upgrade and repair and the committee will meet at a later date to discuss the needs and priorities for the building before coming forward with any recommendations.

DISCUSISION  
BILL COMBS' PRESENTATION

Supervisor LeFeber then gave the privilege of the floor to Bill Combs of Corporate Benefit Systems, LLC. Bill presented information to the Board as to the current state of health insurance in this area. HMO's are being phased out due to the high cost. Double digit increases are being foreseen well into the future. The Town would be looking at a minimum 10% increase for insurance premiums next year. Bill gave an in depth presentation as to various options that are available to the Town that would help to keep costs down while still offering the employees good coverage. Bill is recommending that the Town look at a consumer driven health care plan such as a PPO plan through United Healthcare. United Healthcare is one of the largest health insurers in the country. Preferred Care may also be offering a PPO product in the near future and Bill will keep the Board informed as any changes or updates become available.

RESOLUTION #124  
EXECUTIVE SESSION

On motion of Deputy Supervisor Cole, seconded by Councilman Cook 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 7:50 P.M.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #125  
CLOSE EXECUTIVE SESSION

On motion of Deputy Supervisor Cole, seconded by Councilman Mairs the following resolution was  
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 8:20 P.M.

Supervisor David LeFeber	voting	AYE
Deputy Supervisor Kelly Cole	voting	AYE
Councilman Donald Cook	voting	AYE
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

On motion of Councilman Cook, seconded by Supervisor LeFeber, the meeting was adjourned at 8:21 P.M.

Respectfully submitted by \_\_\_\_\_ Mary Blye, Minute Taker