

A Regular Meeting of the Town of Avon was held on Thursday, September 27, 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 Thomas Mairs, and Councilman James Blye (arrived at 7:15 P.M.)

ABSENT: Councilmen Donald Cook, Jr.

OTHERS: Attorney Timothy Ingersoll, Engineer Timothy Rock, Water Superintendent Daniel McKeown, Engineer Timothy Rock, Historian Maureen Kingston and Town Clerk Sharon Knight

VISITORS: Livingston County News Reporter Howard Appell

Pledge of Allegiance

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

DISCUSSION

ATTORNEY REPORT

Attorney Ingersoll reported on the following:

He reported he checked with the Livingston County Attorney and is confident with his recommendation that the Board is able to adopt the proposal from Livingston County Real Property regarding the Wind Energy System Pilot Agreement by resolution not local law.

There was discussion on the recommendation of the County Planning Board regarding Helge Heen's proposed amendment to modify common open space requirements for Planned Unit Developments.

The next item of discussion was Royal Springs Developer Peter Kolokouris's request to expand the PUD. Councilman Mairs asked Town Clerk Knight to request Royal Springs Developer Peter Kolokouris to bend the road between lots 119 and 149 towards the expressway so as not take away from green space. After discussion the Board requested the Clerk send the 2nd Phase of construction of the Royal Springs to the Livingston County Planning Board. Deputy Supervisor Cole provided the following written documentation to include with the Zoning Referral Form.

To: Livingston County Planning Board
From: Town of Avon Board
Re: Peter Kolokouris, 2nd Phase of Construction

The Town of Avon would like the Livingston County Planning Board opinion on the proposed 2nd Phase of Developer Peter Kolokouris Royal Springs Development.

DISCUSSION-continued
ATTORNEY REPORT

Attached is a copy of the proposed subdivision that Mr. Kolokouris is proposing. Also attached is a letter, dated August 27th from the Avon Planning Board, with their concerns.

Please review and offer an opinion on the subdivision with particular attention to the proposed layout and lot size.

There was discussion on the Verizon contract to collocate on the Avon Water Tower with the following Board action.

RESOLUTION #149
APPLICATION FROM VERIZON

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (Councilmen Cook and Blye)

WHEREAS, the Avon Town Board having received an application from Verizon Wireless to collocate antennae on the Avon Water Tower; and

WHEREAS, the applicant has asked the Board to waive the formal application provisions contained in the Avon Town Code for the issuance of a conditional use permit in order to expedite the process; and

WHEREAS, the Town Board has discretion to waive such provisions of the application process as it may deem appropriate pursuant to Avon Town Code section 130-59A.(33); and

WHEREAS, the Town Board having referred the request to expedite to the Avon Town Planning Board and received their report and recommendation dated September 13, 2007 advising issuance of the permit based upon the information already provided by the applicant; and

WHEREAS, the Avon Code Enforcement Officer having given his report at the regular Board meeting on September 27, 2007 and having agreed to the expedited application process;

NOW THEREFORE, be it

RESOLVED, that the additional requirements of the application process contained in the Avon Town Code for the issuance of a conditional use permit regarding the collocation of antennae are herein and hereby waived; and be it further

RESOLVED, that the application of Verizon Wireless for a conditional use permit for collocation of antennae on the Avon Water Tower made by correspondence dated September 12, 2007 be and the same hereby is granted subject to the issuance of a building permit by the Town Code Enforcement Officer.

RESOLUTION #149-continued
APPLICATION FROM VERIZON

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

DISCUSSION
PLANNING FOR THE RENOVATIONS TO THE OPERA BLOCK AND CURRENT
TOWN HALL.

There was discussion on forward movement of the renovation of the Opera Block and the current Town Hall. A meeting will be scheduled with the Town Board, Harris Beach Attorney Kevin McKain, Architect John Bero, Town Attorney Ingersoll and Chuck Bastain sometime next week.

DISCUSSION
HISTORIAN'S 2006 ANNUAL REPORT

Historian Maureen Kingston presented the following written 2006 Annual Report:

HISTORIAN
TOWN OF AVON, NEW YORK
Annual Report
2006

Areas of concern in this report will include the following: research and writing; historic preservation; education and public presentations; organization and advocacy; and, public access.

Research and Writing

Researched and prepared materials with members of the Avon Preservation and Historical Society for *A Sense of Place*, the 2006 Corn Fest publication.

Wrote a letter of support to Ruth Pierpont (NYS Office of Parks, Recreation and Historic Preservation) in support of the Opera Block nomination.

Assisted those who participated in the Avon Cemetery Tour with research about the individuals they chose to describe.

Provided information for an article in *Run 8 Magazine* about the Five Arch Bridge.

Developed a biographical sketch of Aaron Barber for Avon Free Library and the cemetery tour.

Researched Avon's "Two Arch Bridge."

Revised "A Driving Tour of Avon, NY" brochure.

Revised and published Association of Public Historians of New York State Region 12 *Directory, 2006*.

DISCUSSION-continued
HISTORIAN'S 2006 ANNUAL REPORT

Revised the brochure describing duties of the public historian.

Historic Preservation

Corresponded with Bill McCleary, Chairman, Livingston County Management Council and included a copy of the publication, *Explanation and Description of the Overlay Maps That Illustrate Factors of Environmental Importance In the Town of Avon, Livingston County, N.Y.*, which shows historical and anthropological sites in the town.

Met with and supplied materials to Martin Wachadlo of Buffalo who, on behalf of Bero Associates, was researching the Opera Block in preparation for application to the State and National Lists of Historic Places.

Served on the Opera Block Committee

Met often with Avon Free Library Committee to research and prepare information for Barber Memorial Building application for nomination to State and National Lists of Historic Places.

Toured Inverness Cemetery hoping to locate family graves of Avonite, John Hubbard Forsyth who died in the Battle of the Alamo.

Provided information on Avon Creamery.

Noted a leak near the restroom in the APHS Museum that was quickly repaired before damage could occur.

Suggested for preservation by a fellow historian from a neighboring town: Twin Swans Motel.

Education and Public Presentations

Met several times with Lisa Burns, Livingston County Chamber of Commerce, regarding the 5 & 20 Initiative and the historical display at Tom Wahl's Restaurant.

Researched, assembled and mounted an Avon display for the Livingston County Government Building.

Organized a tour of Avon Cemetery.

Wrote introductory history and provided information about Avon for the Community Calendar/Website.

Conducted a tour of Avon for new Avon Central School teachers and staff.

Planned with second grade teachers and made two presentations to their students about early Avon.

Prepared and delivered material to second grade teachers for a follow-up bus tour.

Presented a display and talk for Avon Lioness Club.

Organization and Advocacy

Added to Family History files: Davin; Firman Family; Buckley; Forsyth; etc.

Wrote to committee that prepared *I Love NY-Revolutionary War* to inquire why they did not include our area in "NYS Revolutionary War Heritage Trail".

Met several times with other historians of Livingston County including making arrangements for the April meeting held in Avon.

Attended the Association of Public Historians of NYS, Region 12, at the Tonawanda Reservation.

DISCUSSION-continued
HISTORIAN'S 2006 ANNUAL REPORT

Attended the APHNYS State Conference held in Canandaigua.
Advocated for adequate office space in the new town hall (Opera Block).
Ordered items for storage (shelves) and public use (table).

Public Access

Examples include:

Third grade student and her dad studying Avon 1900-1910
Boy Scout Eagle Project (Park)
Schools research
Modular housing (Stirling Homex)
Pictures for clothing design-Rotary Corn Fest
Pictures review for St. Agnes Church calendar
Met with Robert Dewey at the John Hugh McNaughton House
Consulted with persons looking for historic pictures as basis for business
logo
Provided information for School District #3, East Avon
Families and individuals doing family history
Conducted on-demand tours of APHS Museum
President of NYS W.C.T.U. researching organization's fountains
Bio. of Gilbert Berry provided for fellow historian
362 hours logged

Respectfully submitted,
Maureen P. Kingston, Historian
Town of Avon, New York

Historian Kingston requested the Board schedule her 2007 Annual Report in January, February or even March of 2008.

DISCUSSION-continued
ATTORNEY REPORT

Code Enforcement Officer Cappello questioned if mobile homes were allowed in the Town of Avon other than Harper Park as there is property for sale on Littleville Road that is both narrow and drops. Also, he requested legal advice regarding pre-existing lighting on a business sign on Route #5/20. Attorney Ingersoll recommended the use of a County appointed mediator.

DISCUSSION
WATER REPORT

Water Superintendent McKeown reported hydrants have been flushed and the tank was put back on line this morning as approval was provided by the County Health Department

DISCUSSION-continued
WATER REPORT

yesterday. The painting of the tower went very smooth; however, there are two issues to be solved with drums and pavement.

DISCUSSION
ENGINEER REPORT

Larsen Engineer Rock reported he continues to work with New York State Department of Conservation Representative Paula Smith regarding the need for Developer Peter Kolokouris to provide a plan and things are moving slowly.

RESOLUTION #150
SCHEDULE A JOINT MEETING

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Cook)

Resolve to schedule a Special Joint Meeting with the Village Board for discussion of the Court Grant, possible use of space during renovation of the Opera Block and Town Hall, Youth Recreation and any other business that may come before the Board, to be held on October 15th at 6:30 P.M., 74 Genesee Street, Avon, New York, 14414, known as the Village Hall.

Dated: September 27, 2007
 Publish: October 4th and 11th, 2007
 By order of the Town Board
 Sharon M. Knight, Avon Town Clerk

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

DISCUSSION
CODE ENFORCEMENT

Code Enforcement Officer Cappello stated there was nothing more to report.

DISCUSSION
PRESENTATION OF THE TENTATIVE BUDGET

Supervisor LeFeber presented the Town Clerk with the tentative budget.

RESOLUTION #151
PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Cook)

RESOLVE to approve Abstract 2007-17A in the follow amounts:

General Fund	Vouchers #392 through #423 in amounts totaling \$50,832.38
Highway Fund	Voucher #202 through #217 in amounts totaling \$16,539.08
Cemetery Fund	No Voucher
Water Capital Improvement	No Voucher
Water Fund	Voucher #185 through #196 in amounts totaling \$2,602.22
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	ABSENT
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

RESOLUTION #152
PAYMENT OF BILLS

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Cook)

RESOLVE to approve Abstract 2007-18 in the follow amounts:

General Fund	Vouchers #424 through #437 in amounts totaling \$8,124.09
Highway Fund	Voucher #218 through #224 in amounts totaling \$3,410.15
Cemetery Fund	No Voucher
Water Capital Improvement	No Voucher
Water Fund	Voucher #197 through #201 in amounts totaling \$7,877.69
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	ABSENT
Councilman Thomas Mairs	voting	AYE
Councilman James Blye	voting	AYE

DISCUSSION
CREDIT CARDS ACCEPTED BY THE COURT

Supervisor LeFeber shared the following letter with the Board:

September 27, 2007

Avon Town Board
27 Genesee Street
Avon, New York 14414

Dear Supervisor LeFeber & Councilmen:

The Avon Town court has decided to begin accepting credit cards for payment of fines and fees due in our court. The Office of Court Administration is soon to be making credit card acceptance mandatory. The OCA has advised the courts that it streamlines management of court cases and speeds up collection of monies.

The only authorized processor is Nova/Key Merchant Services. The cost of the POS device and printer is \$15 per month plus a \$2 monthly account maintenance fee for both Visa and MasterCard. The cost per transaction is for Visa, 2.11% + \$0.05 and for MasterCard, 2.02% + \$0.10. All operating supplies, (ribbons, imprint tapes) are free and the usual \$25 set up fee is waived for courts. At this time, only visa and MasterCard are accepted. We will need a phone line and outlet in order to operate the system.

All monies will be deposited in the justice accounts within 48 hours and a separate bill we be sent for all fees. We will only be able to use this system for court fees.

Many people who appear in court do not have cash or are not prepared to pay their fines at that time. This will give them another option for payment.

If there are any concerns with the court utilizing this credit card system. Please contact the court immediately. We must send in paperwork and then the system will be up and running in about three weeks.

Sincerely,

Janis Cole

DISCUSSION
SUPERVISOR REPORT

Supervisor LeFeber reported the Bank of Castile will be providing information on October 2nd at 1:00 P.M. regarding remote deposit of checks.

DISCUSSION-continued
SUPERVISOR REPORT

Supervisor LeFeber reported a request was received from Mayor Vonglis to address the safety of the corner of Routes 5/20 and Pole Bridge Road.

Supervisor LeFeber reported he will be reviewing and providing to Councilman Blye the Board adopted policy regarding our web site to make sure it is being followed.

DISCUSISION
OPEN ITEMS

Councilman Blye reported the web-site is up and running has had 63 hits and is still under construction. Supervisor LeFeber will provide information from the Supervisor.

Councilman Mairs stated he spoke with Joey Shanks regarding Dump Days and Shanks does collect the low end of metal prices as the type of metal varies. After transferring they usually end up combining three loads into one. They provide workers and good service to the Town.

Deputy Supervisor Cole reported on considerations/conversations regarding renovation of the Opera Block and the Town Hall and the use of General Contractors, Clerk of the Works, Generalists, Architects and Construction Managers. There was discussion regarding municipal and grant restrictions. There was discussion of the availability of Attorneys, Financial Advisors and Architects for a meeting on Monday. The Board needs to set the meeting by resolution; however, Deputy Supervisor Cole agreed to contact potential attendees and the time may need to be changed.

RESOLUTION #153
SCHEDULE A MEETING

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

ADOPTED AYES 4 NAYS 0 ABSENT 1 (Councilman Cook)

Resolve to schedule a Workshop Meeting of the Opera Block and Town Hall Renovation and any other business that may come before the Board, to be held at the Town Hall on October 1st at 7:00 P.M., 27 Genesee Street, Avon, New York, 14414.

Dated: September 27, 2007

By order of the Town Board

Sharon M. Knight, Avon Town Clerk

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

On motion of Councilman Blye, seconded by Deputy Supervisor Cole, the meeting was adjourned at 8:18 P.M.

Respectfully submitted by _____ Sharon M. Knight, Town Clerk