

A Regular Meeting of the Town of Avon was held on Thursday, January 26, 2012 at 5:30 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: Attorney James Campbell, Town Engineer Timothy Rock, Highway Superintendent Thomas Crye, Water Superintendent Daniel McKeown, Code Enforcement Officer Anthony Cappello, and Town Clerk Sharon Knight, CMC/RMC

VISITORS: GeneseeSun.com Owner Josh Williams, Daniel Schubmehl, Paul Batz, Bill Gerych, John Holko, Luke Crissy, Richard Hite, Clara Mulligan, Holly Watson, Peter Watson, Bruce Clarke, Tom Felton, Mike Froome, Nancy Froome, Kim Snyder, Matt Maurer, Julie Maurer, Sean Maurer, Patricia Moran, Deborah Cochrane, Joe Schill, Doug Hollinger, Luke Salogar, Marla Palmiter, Sheila Palmiter, Paul Swartz, Bill Lloyd, Mike Miron, Scott Stokoe, Ann Cady Jenson, Jim Welch, Deirde Phillips, Paul Phillip and others

Notice of said meeting was sent to the Livingston County News on January 13, 2012 with the same notice being posted on the same day at the Opera Block/Town Hall and provided to the Supervisor's Secretary to be posted on our web site.

Supervisor LeFeber called the meeting to order at 5:30 P.M.

Pledge of Allegiance

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

### **RESOLUTION #27 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 January 12, 2012 as presented.

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

### **DISCUSSION – ATTORNEY REPORT**

Attorney James Campbell reported on the following:

An additional review of local law T-1A-2011 was completed taking into consideration the documentation supplied by Lenape and other individuals and communities. Town

**DISCUSSION – ATTORNEY REPORT-continued**

Board discussion included re-writing the proposed local law grandfathering Lenape as one option.

A review of New York State Town Law Section 27 had been completed as requested by the Town Board. This review found that the Board has the authority to change the compensation rate for an elected official after the budget has been approved. Yes, you can if the funds are available. It could be done by board resolution and unique to Town Justices is that you cannot reduce the salary during a term of office. If the salary is increased this becomes the new floor. The law allows for Justices within the same Town to have different salaries. If the Board chooses different salaries that might consider discrimination, division of duties and work loads of each Justice, outside full time employment versus retirement, being available for arrangements, monthly court reports to the board, the image presented to the community, completing required work such as time sheets and signing vouchers, requested and receiving additional dollars for salaries as requested for Clerks, unlike the Justices the Clerk's received raises and then went over their budget by \$2,800.00. To solve these issues is important and leveling the field by keeping salaries the same is the first step, and to investigate the entire department is the next step.

**RESOLUTION #28 INCREASE THE SALARY OF JUSTICE MICHAEL TORREGIANO**

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

ADOPTED AYES 4 NAYS 1 (Councilman Blye)

RESOLVE to increase the salary of Justice Michael Torregiano to \$11,783.00 from January 1, 2012 and to notify St. John & Baldwin to be equal to Justice Piampiano.

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

**DISCUSSION – EASTERN COPIER**

Supervisor LeFeber reported that additional information was shared regarding the copier in the Assessor's Office and being connected to the Server.

**DISCUSSION – ROYAL SPRINGS**

Supervisor LeFeber reported that the invoices sent to Royal Springs Developer were paid.

**DISCUSSION – HIGHWAY REPORT**

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

- Completed some snow removal.
- Serviced the backhoe, roller, grader, loader, forklifts and the pressure washer.
- Cleaned and maintained the trucks.
- Cleaned up a tree and several limbs due to high winds.
- Tub grinder (Monday).

There was discussion on the road projects for 2012. The required paper work will be completed and brought to a future meeting for Town Board approval.

**DISCUSSION – ENGINEER REPORT**

Town Engineer Timothy Rock provided an update on the North Littleville Road culvert including easements from Mr. Louis Lee. An abstract will be sought from Mr. Lee in an effort to save tax dollars to purchase an abstract.

A review of the Tec Road project had taken place.

**DISCUSSION – WATER REPORT**

Water Superintendent McKeown reported on the following:

- Finishing reading meters, new read heads are being installed.
- Problems with his computer at the shop are being worked on by Hurricane Technology. At this time nothing can be controlled at the Highway Barns, but it is being controlled at the pump station on Agar Road.

Morsch Pipe Line has provided a revised cost of \$9.00 per foot to complete installation from start to finish on the South Avon water project. It includes everything except cleaning in the spring time and purchasing spring wrap. Attorney Campbell question if bidding would be required and it was determined that it is below the \$20,000.00 limit that would require a bid.

**RESOLUTION #29 – APPROVAL OF INSTALLATION OF WATER LINE**

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

ADOPTED AYES 5 NAYS 0

**RESOLVE** to engage the services of Morsch Pipe Line to install, pressure check, install hydrants, valves, service to curb box, test and chlorinate approximately 2200 feet of an eight inch water line at a cost of \$9.00 per foot.

**RESOLUTION #29 – APPROVAL OF INSTALLATION OF WATER LINE-continued**

**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 Anthony Cappello reported on the following:

There were two businesses taken to Court. The first, for not taking down a building. The second, Jim Bertsch from the Aldon Corporation was brought before the Justice as he was using an expired permit to make interior changes. There was no fine for not having a permit. The dock that was on the back of the building was eliminated.

Janice White's house burnt today from a fire. There was no insurance on the home. To protect the content of the home windows and doors were boarded up. The cost for completing the work will need to be returned to the Town at a later date.

**DISCUSSION – HISTORIAN REPORT**

Historian Maureen Kingston reported on the creation of the new position and hiring a Deputy Town Historian. A thank you was extended to Councilmen Steen and Mairs for taking part on the Interview Committee and making a recommendation to the Board. Supervisor LeFeber will be writing letters of notification to all of the applicants.

**RESOLUTION #30 – CREATE THE POSITION OF DEPUTY HISTORIAN**

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

RESOLVE to create the position of Deputy Town Historian.

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

**RESOLUTION #31 – APPOINT DEPUTY HISTORIAN**

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

RESOLVE to appoint Holly Watson as the Deputy Town Historian, term to expire December 31, 2012.

**RESOLUTION #31 – APPOINT DEPUTY HISTORIAN-continued**

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

**RESOLUTION # 32 – COMPENSATION SCHEDULE**

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

ADOPTED AYES 4 NAYS 1 (Councilman Blye)

RESOLVE to amend the 2012 Compensation Schedule as of January 1, 2012 for the Town Justice and to date for the Deputy Town Historian as follows:

Name	Position/Duties	Status	2011 Rate	2012 Rate
Watson, Holly	Deputy Town Historian	Part Time*	new position	\$9.00/hr.
Torregiano, Michael	Town Justice	Elected*	\$11,226/yr.	\$11,783/yr.

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

**RESOLUTION #33 – PAYMENT OF BILLS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept for payment Abstract 2012-1 in the following amounts:

**Concerning ABSTRACT of Claims Number 2012-2 including claims as follows:**

<b>General Fund</b>	Voucher #32through #55 in amounts totaling \$40,464.97
<b>Highway Fund</b>	Voucher #6 through #14 in amounts totaling \$13,787.82
<b>Water Fund</b>	Voucher #7 through #7 in amounts totaling\$163.41
<b>Cemetery Fund</b>	Voucher #1 through #1 in amounts totaling \$250.00
<b>Opera Block Capital Improvement</b>	No Voucher
<b>Royal Springs Lighting</b>	Voucher #1 through #1 in amounts totaling \$1,030.80

**RESOLUTION #33 – PAYMENT OF BILLS-continued**

<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>Water Capital Improvement</b>	No Voucher

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

**RESOLUTION #34 – ACCEPT RESIGNATION OF MICHAEL BISHOP**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the resignation from Michael Bishop from the position of Board of Assessment Review member.

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

**RESOLUTION #35 – APPOINT BOARD OF ASSESSMENT REVIEW MEMBER TO FILL UNEXPIRE TERM TO OCTOBER, 2012**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to appoint Gerald McCollum to the position of Board of Assessment Review Member, term to expire October 31, 2012.

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

**DISCUSSION – LENAPE PRESIDENT JOHN HOLKO**

Supervisor LeFeber welcomed Lenape Resources, Inc President John Holko and gave him the floor per his request to address the Town Board. Mr. Holko provided the following written information to become a part of the minutes.



# LENAPE RESOURCES, INC.

9489 ALEXANDER ROAD, ALEXANDER, NY 14005

www.lenaperesources.com

585.344.1200

Fax: 585.344.3283

January 26, 2012

Town of Avon  
27 Genesee Street  
Avon, NY 14414

**PAID**

JAN 28 2012

SHARON M. KNIGHT  
TAX COLLECTOR

Dear Members of the Town Board:

My name is John C. Holko, I reside in Spencerport, New York. I would first of all like to thank the members of the Board for allowing me to speak this evening on a topic that is very near and dear to my heart. I am a graduate of Penn State University with a degree in petroleum engineering and I am the President and owner of Lenape Resources, Inc. with offices at 9489 Alexander Road, Alexander, NY and have over thirty one years of experience in the oil and gas industry in New York. In the Town of Avon, I currently operate 16 gas wells, involving approximately 4,300 acres of leases which disburse royalty to approximately 15 landowners totaling nearly 1/4 a million dollars over just the last ten years. Under the provisions of the oil and gas leases which I maintain in this Town I provide domestic gas or in-kind payments to approximately 11 households valued in excess of \$30,000 annually. In addition, I supply natural gas to other small businesses including the Town of Avon at a substantial savings to these businesses. These sales are valued at approximately \$20,000 per year along with our operations being the primary natural gas supply to one of Avon's biggest employers. All of this production of natural gas comes from wells that have been hydraulically fractured. I have invested nearly 25 years of my life and have invested tens of millions of dollars in leases, drilling and completion costs, gathering and metering systems, compression facilities and the like within the Town of Avon. I am also a taxpayer in this Town, having paid approximately \$4,500 in local taxes in the last year. This Local Law will have a significant economic impact on my business and my life and the following explains my opposition to this proposed Local Law.

I have attached both a copy of the Legal Notice of the law, which I understand was published on or about December 23, 2011, and a copy of the proposed Law itself to this letter for reference. I would first like to point out the language of the Public Notice and then contrast that to the actual title of the law itself. The Legal Notice states in part that

“This Local Law will provide a one (1) year moratorium for the entire Town of Avon relating to the extraction of natural gas by the process of high-volume hydraulic fracturing. “

while the Local Law being referenced is actually titled

“Moratorium on and Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes”

I have reviewed the proposed Law and am unable to find any mention of the words “high-volume hydraulic fracturing” anywhere within the language of this proposed Local Law and if it is there and there has been some sort of oversight in my review of the Law, then I would certainly appreciate this point being clarified by the Town for my benefit.

In order to better understand this Law, I wanted to review the “Authority and Intent; Findings; Purpose” of the Law, as provided in Section 2. On January 10, 2012, on behalf of Lenape, I made a F.O.I.L. request of the Town for any and all documents relied upon by the Town of Avon in order to create the this section. Lenape received a fax dated January 16, 2012 stating that the Town was not in possession of any of these records. After having drilled and operated gas wells in the Town of Avon for the past 21 years, I would put on record that the actual findings of fact after reviewing these many years of operations would suggest that those outlined in this proposed Law as drafted are incorrect and inconsistent with reality. The disregard of the true facts makes your findings of fact arbitrary and capricious. Since findings of fact reflect a historical review of an activity relating to its operations, I would like to specifically address the Towns findings of fact as they relate to natural gas extraction and believe as a business that has operated in this town over 20 years we are due a complete analysis of the record related to this findings.

1. In the first statement, it is stated that Avon seeks to attract more visitors. I would ask the board what negative impact has my business had on Avon’s efforts to attract visitors?
2. The second statement relates to aquifer issues. Can you provide that information to me at this time?
3. The third fact deals with the affect on community character. Can you provide me with a specific list of negative impacts that Lenape’s natural gas development has had on the Town’s character at this time?
4. This fact deals with Aesthetic issues and I would ask if the Board can supply me with the detailed list of the impacts that our 21 years of operations have had on the town at this time?
5. Statement of fact number five through 10 relate to a list of negative impacts that our continued business will have on the Town. It list a specific set of impacts that would have been uncovered in the SEQR review justifying this action. Do you have a copy of the SEQR review evaluating these impacts along with the accompanying economic justifications that I can have at this time?
6. Fact number 11 relates to a study that calculates the costs of disposal of wastes relating to my business. Can I have a copy the study determining the costs associated with this statement at this time?
7. Statement number 12 refers to the ability of a Town to regulate this activity which I believe is exempted by the State’s specific supersedure in the oil gas and solution mining law which I will explain in a moment, I first want to touch on the concept of police powers to “prevent damage to the rights of others and to promote the interests of the community as a whole” I question having been in the energy industry for more than 30 years whether non development of one of the most valuable resources we have available to us actually promotes the interests of the community as a whole.



In addition the proposed Local Law purports to be an effort by the Town to address the issue of “high-volume hydraulic fracturing” which has, over the past few years, become a highly controversial topic of conversation. As you may or may not be aware, the NYSDEC division of mineral resources the regulatory agency in this state for oil, gas and solution mining has undertaken the extensive study of this topic and has provided the public with a 1,537 page document entitled the Supplemental Generic Environmental Impact Statement. This document was developed to cover this specific topic as well as all others associated with the ongoing natural gas development and its affect on the public in New York including the towns and the regulatory structure to be developed to allow the furtherance of development in a regulated environment for the benefit of all New Yorkers. I would request copies of the specific reviews undertaken by the Town for issues not addressed in the above referenced document as well as the associated findings. Can you provide me with those at this time?

Having read this Local Law, I realize it goes much farther than that. Notwithstanding the apparent attempts at “Grandfathering” it will severely impact, if not halt Lenape’s ability to continue to operate its wells within the Town of Avon. This really puts Lenape in a very precarious legal position. Under the terms of the oil and gas leases which have been obtained by Lenape and under which these wells have been drilled and operated for all of these years this Law may by its restrictive nature hinder Lenape’s ability to continue to operate in accordance with and consistent with the stated policy of New York’s Oil, Gas and Solution Mining Law as set forth herein:

§ 23-0301. Declaration of policy.

It is hereby declared to be in the public interest to regulate the development, production and utilization of natural resources of oil and gas in this state in such a manner as will prevent waste; to authorize and to provide for the operation and development of oil and gas properties in such a manner that a greater ultimate recovery of oil and gas may be had, and that the correlative rights of all owners and the rights of all persons including landowners and the general public may be fully protected, and to provide in similar fashion for the underground storage of gas, the solution mining of salt and geothermal, stratigraphic and brine disposal wells.

In the event that Lenape is forced to operate these wells within the limitations of this proposed Local Law, they face the real possibility of inability to comply with the public interest dictates of New York State Law, not only as it relates to the continued production of the wells from the zones currently being produced but from any other zones which might be potentially productive in the future. The restrictions imposed by this Law also affect any potential future economic value that may be enjoyed not only by Lenape but also by its Lessors in any alternative productive zones. Lenape has captured the economic benefit from the mineral ownership of its Lessors and continues to compensate the mineral owners for their property but if it is prohibited or otherwise limited from continuing production from these wells and prohibited from ongoing exploration and production activities of its Oil and gas Leases, Lenape and those Lessors will

suffer real damages. In addition, Lenape's ability to protect the correlative rights of mineral rights owners will be impeded and in conflict with New York State Law.

Another potential conflict with this Local Law and the State Law is one of supercedure. Under the NYS Oil, Gas and Solution Mining Law amended in 1981, the state amended the law (Article 23-0303) as follows to clearly establish the preemption of state regulation:

“2. The provisions of this article shall supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over local roads or the rights of local governments under the real property tax law.”

The law was enacted with the clear understanding that local governments could not in any way regulate the industry, that the regulation of the industry would need to be accomplished at the state level as in other states, that the state was likely the only entity that could afford to hire experienced petroleum engineers and geologists, that the oil and gas activities posed both environmental and safety concerns that should be handled by professionals, and that the state was the only entity in a position to establish a uniform and consistent regulatory framework under which the industry could operate efficiently and effectively. Nor could any community undertake the environmental impact review that has been underway in New York State over the past few years relative to not only the highly publicized hydrofracking controversy but to all phases of oil and gas operations and its impact upon the citizens of the State of New York through the Draft Supplemental Environmental Statement (dSGEIS) review process.

In contrast to the following which is the supersedure language (Article 23-2703) in the 1991 Amendments to the Mined Land Reclamation Law:

“For the purposes stated herein, this title shall supersede all other state and local laws relating to the extractive mineral industry; provided, however, that nothing in this title shall be construed to prevent any local government from:

- a. enacting or enforcing local laws or ordinances of general applicability, except that such local laws or ordinances shall not regulate mining and/or reclamation activities regulated by the state, statute, regulation or permit; or
- b. enacting or enforcing local zoning ordinances or laws which determine permissible uses in zoning districts. Where mining is designated a permissible use in a zoning district and allowed by special use permit, conditions placed on such special use permits shall be limited to the following:
  - (i) ingress and egress to public thoroughfares controlled by local government;
  - (ii) routing of mineral transport vehicles on roads controlled by local governments;
  - (iii) requirements and conditions as specified in the permit issued by the department under this title concerning setback from property boundaries

and public thoroughfare rights-of-way natural or man-made barriers to restrict access, if required, dust control and hours of operation, when such requirements and conditions are established pursuant to subdivision three of section 23-2711 of this title;

- (iv) enforcement of reclamation requirements contained in mined land reclamation permits issued by the state; or
- c. enacting or enforcing local laws or ordinances regulating mining or the reclamation of mines not required to be permitted by the state.”

Thus, the supersedure language was developed to clearly establish the boundaries between state and local regulation in mined land law. These differences reflect the extractive mining industry’s significantly different land use from the oil and gas industry because mining by definition is a consumptive land use. Without concurrent reclamation which is difficult in most cases, mines continue to grow in size before reaching their boundary and economic limits. Mines, particularly quarries, can have economic lives in the hundreds of years. Therefore, the nuisance impacts (noise, dust, traffic) from a mine continue for many years. As a distinction, Oil and gas wells, on the other hand, have impacts limited to weeks or months. If the State of New York requires, for instance, that some permitted gas wells which are proposed to be drilled upon the same drill pad, be so drilled within a three year period for each 640 acre pad, then the impacts can be argued to be only three years and intermittent at best.

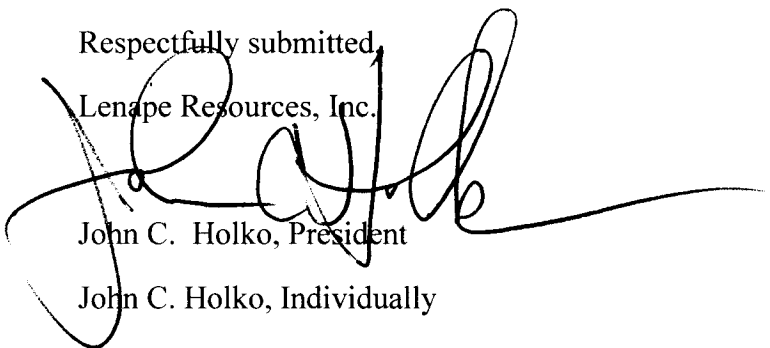
In closing, I have other technical issues that could and should be discussed in more detail and investigated in more depth before the Town of Avon elects to enact the Local Law, which is the subject of tonight’s hearing. I respectfully submit to the town that they have local professionals currently operating oil and gas wells within the Town, who would be more than happy to meet with any and all members of the Town Board and or the public at large in order to discuss this matter further.

Respectfully submitted,

Lenape Resources, Inc.

John C. Holko, President

John C. Holko, Individually

A large, stylized handwritten signature in black ink, appearing to read 'John C. Holko', is written over the typed name and extends across the page.

**DISCUSSION – OPEN PUBLIC HEARING**

Supervisor LeFeber read the legal notice as follows:

PLEASE TAKE NOTICE that the Avon Town Board will conduct a Public Hearing on Thursday, January 26, 2012 at 7:00 PM at the Avon Opera Block/Town Hall, 23 Genesee St., Avon, NY to consider the adoption of a local law which provides for a one (1) year moratorium for the entire Town of Avon relating to the extraction of natural gas by the process of high-volume hydraulic fracturing. At such hearing, any person may be heard in favor of or against said local law.

A copy of the proposed local law is available for review by the public at the office of the Town Clerk during regular Town Clerk hours, or by visiting the Town Government page of the Town and Village web site at [www.avon-ny.org](http://www.avon-ny.org).

By Order of the Avon Town Board.

Sharon M. Knight, CMC/RMC

Avon Town Clerk

Dated: December 30, 2012

Publication Date: January 5, 2012 and January 19, 2012

The rules of procedure were reviewed.

The following residents spoke in favor of or against as follows:

Richard Hite – AGAINST  
Robert Dougherty – AGAINST  
Jack Crooks – AGAINST  
Pat Moran – AGAINST  
Mike Faville – SUPPORT  
Dan Schubmehl – SUPPORT  
Mike Froome – SUPPORT  
Matthew Maurer – SUPPORT  
Luke Salogar – SUPPORT  
Dave Peck – SUPPORT  
Tom Felton – AGAINST  
Bill Lloyd – SUPPORT  
Marla Palmiter – SUPPORT  
Bruce Clark – SUPPORT  
Luke Chrissy – AGAINST  
Clara Mulligan – SUPPORT  
Nancy Froome – SUPPORT  
Jamie Scottsville – SUPPORT  
John Holko – AGAINST  
Ann Cady Jenson – SUPPORT  
Mike Faville – SUPPORT

**DISCUSSION – OPEN PUBLIC HEARING-continued**

Supervisor LeFeber stated that he has concerns of the wording of the current local law. There is outstanding questions of the impact of current businesses and property owners that have wells on their property.

Attorney Campbell stated the following:

He will review the information provided by Mr. Holko. Makes sense to review and consider grandfathering.

Do not claim to know a lot about their wells but we can look at in short order.

Have sat through a lot of public hearings in many communities.

This is the first time having interaction and need to look at the short comings, make modifications, and conduct a legal risk analysis.

Tabling until our next meeting would allow for review and possible Town Board action.

Possible scheduling of another public hearing.

Supervisor LeFeber stated the Board would be holding the public meeting open and will schedule discussion to be continued on February 9, 2012 at 7:00 P.M..

**RESOLUTION #36 – CHANGE THE START TIME OF MEETING**

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

ADOPTED AYES 5 NAYS 0

RESOLVE that the regular meeting time for the February 9, 2012 meeting is changed to begin at 5:00 P.M.. The meeting place will be held at the Avon Opera Block/Town Hall, 23 Genesee Street, Avon, New York 14414.

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

**DISCUSSION – OPEN POSITION – PLANNING BOARD MEMBER**

Supervisor LeFeber updated the Board on the interview process, applicants and the recommendation. The Board took the following action.

**RESOLUTION #37 APPOINTMENT OF PLANNING BOARD MEMBER**

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

ADOPTED AYES 5 NAYS 0

**RESOLUTION #37 APPOINTMENT OF PLANNING BOARD MEMBER-  
continued**

RESOLVE to appoint David Sharman to the position of Planning Board Member term to expire, December 31, 2018.

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

**DISCUSSION – TOWN CLERK REPROT**

Town Clerk Sharon M. Knight, CMC/RMC provided the following report:

The following communications were provided and the topic read:  
ZONING BOARD OF ASSESSMENT – Resignation letter from Mr. Bishop  
TOWN OF GENESEO - Copy of local law  
MISSY WADE – Thank you for the welcome to the Town of Avon.  
ASSESSOR DEPARTMENT REPORT  
SENATOR CATHARINE YOUNG – CHIPS information

A second copy of the New York State Association of Town resolution were provided. A limited discussion took place. This will be put on the agenda for the next meeting to allow for additional time to review prior to taking action.

There was continued discussion of the collection of monies for cemetery plots and the issuance of deeds. The results are to have the Attorney Campbell review and make recommendation.

A copy of the audit performed by the New York State Comptroller's Office was provided to the Board. Their response would not take place within the ten days, thus the public notice would be prepared and sent for publication.

The open hours of departments within the Opera Block/Town Hall were provided and will be posted.

The Terms of Office and appointments was updated and shared with the Board.

**RESOLUTION #38 – AMEND THE TOWN CLERK'S CLAIMS PROCESS**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to approve the following Town Clerk's Claims Process:

**TOWN CLERK**

**RESOLUTION #38 – AMEND THE TOWN CLERK’S CLAIMS PROCESS-  
continued**

**CLAIMS PROCESS**

***Definition of a Claim***

A claim is a bill, invoice, or demand against the Avon Town Board for the payment of monies due for services rendered or materials furnished to the Town of Avon.

- 1) All claims against the Town of Avon will be date stamped when received at the town clerk’s office in written form and forwarded to departments for processing.
- 2) Departments responsible for a claim against the town will process it in a timely manner as follows:
  - a. Check the claim for accuracy and appropriateness (All services or materials must have been received prior to submitting to the Town Clerk)
  - b. Fill out the voucher form including a detail description of the claim allowing for the elimination of attachments when ever possible an original invoice must be attached
  - c. Departments should be tracking the budget line item against the yearly and monthly budgets
  - d. The department head signature must be an original of the person authorized by the Board.
  - e. All completed vouchers are forwarded to the Town Clerk by Tuesday prior to the scheduled Board meeting.
- 3) The town clerk will date the voucher when received from the forwarding department.
- 4) The town clerk will prepare an abstract of claims listing all vouchers by the close of business on the Wednesday prior to a regular Thursday meeting of the town board.
- 5) The Town Clerk will present to the Town Board at all regularly scheduled meetings a printed abstract of claims for each of all funds, individual vouchers and an authorization signature sheet for their consideration at the board meeting.
- 6) The Avon Town Board will audit claims against the town and consider approving them for payment. Board members voting AYE are required to sign the prepared authorization sheet.
- 7) The Town Clerk will e-mail to St. John & Baldwin the signed signature sheet and abstracts sheets the following morning.
- 8) A copy of the e-mailed sheets will be filed in the Town Clerk’s Office. St. John & Baldwin receives all information presented to the Town Board for their review and prepares the checks for signatures.
- 9) St John & Baldwin mails the checks and original vouchers back to the Supervisor for check distribution and filing.
- 10) The Supervisor administers the distribution of checks and is granted authority to sign all vouchers.

Town of Avon  
Department Claim/Voucher Approvals

**RESOLUTION #38 – AMEND THE TOWN CLERK’S CLAIMS PROCESS-continued**

**General Fund A**

<u>Account Name</u>	<u>Account Code</u>	<u>Approval Authority</u>
Town Board	A1010	Town Clerk/Supervisor
Justice	A1110	Justice Torregiano/Piampiano
Supervisor	A1220	Supervisor
Tax Collector	A1330	Town Clerk
Assessor	A1355	Assessor
Town Clerk	A1410	Town Clerk
Personnel	A1430	Supervisor
Elections	A1450	Town Clerk
Buildings	A1620	Town Clerk
Central Data Processing	A1680	Supervisor
Sup. Of Highways	A5010	Superintendent of Highways
Garage	A5032	Superintendent of Highways
Historian	A7510	Historian
Celebrations	A7550	Town Clerk
Cemeteries	A8810	Highway Superintendent

**General Fund B**

<u>Account Name</u>	<u>Account Code</u>	<u>Approval Authority</u>
Engineer	B1440	Town Clerk/Supervisor
Fire Department Services	B1990	Town Clerk/Supervisor
Police	B3120	Town Clerk/Supervisor
Safety Inspection	B3620	Code Enforcement Officer
Program for the Aging	B6772	Town Clerk/Supervisor
Parks	B7110	Town Clerk/Supervisor
Youth Programs	B7310	Rec. Board
Chairperson/Supervisor		
Library	B7410	Town Clerk/Supervisor
Zoning	B8010	Zoning Board of Appeals
Chairman		
Planning	B8020	Planning Board Chairman
<u>Highway Fund DA &amp; DB</u>	All Accounts	Highway Superintendent
<u>Cemetery Fund</u>	All Accounts	Highway Superintendent
<u>Water Fund SW</u>	All Accounts	Water Superintendent
<u>Royal Springs Lighting</u>	All Accounts	Supervisor
<u>Royal Springs Drainage</u>	All Accounts	Supervisor
<u>Cross Roads Drainage District</u>	All Accounts	Supervisor



**RESOLUTION #38 – AMEND THE TOWN CLERK’S CLAIMS PROCESS-  
continued**

<u>Bruckel Drainage District</u>	All Accounts	Supervisor
<u>Town Of Avon Fire Protection</u>	All Accounts	Supervisor
<u>Rte 39 Water SW2</u>	All Accounts	Supervisor/Water
Superintendent		

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

**RESOLUTION #39 2011 END OF YEAR BUDGET REPORT**

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

ADOPTED AYES 5 NAYS 0

RESOLVE to accept the financial records as presented along with the General Record Keeping Requirements for Town Clerk and Requirements for Tax Collection Office.

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

**DISCUSSION OPEN ITEMS**

Councilman Ayers stated that he has investigated the issue of opening mail. He has learned that it is not the duty of the Town Clerk to receive mail for the Town of Avon. He would like the Board to consider purchasing 13 to 14 mailboxes and place them in the lobby. Then the Board could designate the department heads to be in charge of processing their own mail and the Town Clerk would not have this responsibility. Supervisor LeFeber suggested this be an agenda item for a future meeting.

On motion of Councilman Blye, seconded by Deputy Supervisor Mairs, the meeting adjourned at 9:28 P.M.

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