

A Regular Meeting of the Town of Avon was held on Thursday, March 13, 2014 at 7:00 P.M. at the Opera Block/Avon Town Hall located at 23 Genesee Street, Avon, New York with the following members present:

PRESENT: Supervisor David LeFeber, Deputy Supervisor Thomas Mairs, and Councilman Richard Steen

ABSENT: Councilmen James Blye, and Robert Ayers

OTHERS: Water Superintendent Daniel McKeown, Code Enforcement Officer Anthony Cappello, Larsen Engineer Scott Fonte, Assessor Tami Snyder (arrived at 8:03 P.M.), Deputy Town Clerk Ellen Zapf, and Town Clerk Sharon Knight

VISITORS: American Legion Members Steve Cray, Paul Tagliaferri, Jim Krause and Art Pearson

Supervisor LeFeber called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance. He then asked for any public comments and there were none.

DISCUSSION – AMERICAN LEGION – FOOD TRUCK FESTIVAL

Visitor & American Legion Member Jim Krause addressed the Board thanking them for past contributions to support their organization.

The Board thanked all the Members in attendance for their improvements to the newly purchased property and for their positive addition to our Avon Community.

Member Steven Cray also addressed the Board with the following highlights of their plan to host 2014 Rochester Food Truck Rodeo Festivals.

The Membership is looking at ways to use the newly purchase properties and to bring revenue into the organization.

Met with Rochester Food Trucks Alliance and met their requirement of a March 15th deadline to provide a 2014 schedule of dates. All the slots are filled with ten specific vendors, with the exception of two vendors for two of the dates.

A poster was shared with the prepared advertisement for the events and will be exhibited from Canandaigua to Batavia on Rts. 5 & 20 as well as Geneseo and other communities.

As recommended by the Town Clerk contacts have been made with the Livingston County Department of Environmental Conservation and the Department of Health, the Rochester Fire Department, Livingston Sheriff's Department (Deputy Sweeny), Michael Carroll, and the current Owner of the East Avon Plaza Richard Gorth (SP.)

The East Avon Plaza property is expected to be sold prior to the first event and it's expected that the new owner would also approve of using the parking lots. Supervisor LeFeber stated, if needed he would be available to provide assistance as he knows the new owner.

A pedestrian walk would be required and securing cones are being worked on. Deputy Supervisor Mairs suggested Comet out of Lakeville might have them and even donate. Town

DISCUSSION – AMERICAN LEGION – FOOD TRUCK FESTIVAL-continued

Clerk Knight suggested contacting the DEC as they host the National Hunting and Fishing Days and they use cones on Rte. 5/20.

O'Brien's out of Nunda have provided the best offer on eight portable toilets. ADA approved handicap bathrooms are available within the building and signage will be posted.

The neighbors of the property have not been made aware of these events as of yet.

Supervisor LeFeber questioned if there was anything needed from the Town. Attorney Campbell stated that there are no typical rules and regulations except for registering with the Town Clerk. He also suggested the organization take out a special event insurance policy.

The Board shared their thanks on behalf of the community for all of the offerings they are providing.

Steven Cray provided the following written report.

Promote & sponsor a series of Food Truck Rodeo Festivals during the months of May through October 2014. Events to be scheduled on the third Sunday of each month ...Operating during the hours from 1 PM to 5 PM.

Scheduled Event Dates:

The Rochester Food Truck Alliance will host & schedule ten (10) Food trucks from within its membership for each event. All Food Truck operators scheduled to participate will each provide to Post #294, copies of a current / valid... 2014 Livingston County Dept. of Environmental Health Permit, Rochester Fire Dept. Safety Inspection Certificate, and Certificate of Insurance...recipient assignee > Avon Legion Club Inc..

The Rochester Food Truck Alliance has been notified that the Livingston County Dept. of Environmental Health will be conducting code inspections during each event.

Solicited a local tavern ...DUFFY'S, (Connie Ryan). to provide a Beer & Wine venue at each event. Ms. Ryan has agreed to support.....Pending any requirements and approval by the Avon Town Board.

Coordination has been made with the Livingston County Sheriff's Dept. to provide "traffic control & event over-site" for each of the scheduled events...POC assigned: Deputy Sweeny.

Event Portable Toilet facilities to be contracted to O'Brien's Septic & Portable Toilets, Nunda, N.Y. ...Handicap Accessible facilities are provided in the Veterans Hall.

Band and /or DJ music is being programmed for each event....Along with coordinating for local Arts & Crafts Trade vendors to participate.

Event Issues requiring action:

Coordination for & utilization of East Avon Plaza for Parking "Over-Flow".

Acquiring "Safety Cones" for traffic control and pedestrian walkways along Rte 5 & 20.

Soliciting support of East Avon Fire Dept. Volunteers to assist in traffic/pedestrian control.

Refuse & Recycle containers.

May 18th > Armed Forces Weekend, June 15th > Fathers' Day, July 20th, August 17th, September 21st, and October 19th

DISCUSSION – APPROVAL OF MINUTES

Supervisor LeFeber stated that approval of the minutes would be considered at the next meeting as we were missing two Board Members.

DISCUSSION - ATTORNEY CAMPBELL

Attorney Campbell reported on his recent discussion with Sprint/Nextel they are offering a lump sum payment of \$5,000.00 to be able to leave their building located at the East Avon Water Tower property. Although the offer for the building is appreciated the Town does not have a specific use for the building. Sprint/Nextel will be taking everything off of the tower including the tray.

Both the Water and Highway Departments have not identified any real use for the building. The Board will continue to consider if it's in the Towns benefit to keep the building while the Attorney negotiates an increased lump sum payment. The building is described as a 20 x 12 foot building that is ten feet tall with an air conditioning unit. It's questioned if there are electrical hook-ups in the ground. The building would need to be lifted over the fence. The Town could accept the lump sum payment and then declare it surplus. We do continue to receive a monthly rental payment from Sprint/Nextel.

Mr. Campbell also reported on working with Engineer Scott Fonte on an agreement for the storm water management facilities (SWIPP) for the property in East Avon. It's very close to where it needs to be. When complete it will be a recordable document and indexed against the property and all future owners. The management and infrastructure will continue to be the responsibility of owner.

DISCUSSION – HIGHWAY REPORT

Highway Superintendent Thomas Crye was not in attendance due to clearing roads after the storm and Supervisor LeFeber reported that the agreement to spend highway funds and surplus items will be a part of the next meeting agenda.

DISCUSSION – ENGINEER REPORT

Larsen Engineer Scott Fonte reported on receiving the revised Tec Drive drawings. He has signed and provided them to the Town Clerk for the Planning Board to sign.

We are setting new policy for future developments for recording and indexing SWIPP documents that will identify the owner and their responsibility to serve as the working manager of the storm water management facilities. This recorded agreement will be required as a part of the site plan approval process.

The agreement says that the Town of Avon can step in if the owner does not manage the storm water facilities properly and then append the cost to the tax bill of the property.

DISCUSSION – ENGINEER REPORT-continued

There was continued discussion of the upcoming deadline for the solar panel grant application. The goal is to get the application out by the end of the month. Councilman Steen stated that it's important to know where the solar products are coming from. There are panels sold from The Walton Company that have been rated to be at the top of the ladder. Consideration of both the contractor and product is important. Only if the Board is serious should the application be filed as you do not want to be awarded a grant that you will not use. The specific details of the grant can be worked out in the future.

What is concerning is that the Public Service Commission is no longer regulating the cost of electricity. We are being charged three different rates per kilowatt for the Towns usage of electricity. The industry is changing daily and we are talking about a 25 year contract for solar energy.

DISCUSSION – WATER REPORT

Water Superintendent McKeown reported on the subdivision map for Tec Drive that includes storm water management. He stated that there may still be concerns and minor questions that remain unanswered by the Highway Superintendent. Engineer Fonte was not aware of any outstanding questions and will have them answered prior to providing his signature of approval. The maps were returned to the Engineer by the Town Clerk.

DISCUSSION – CODE DEPARTMENT

Code Enforcement Officer Cappello stated that he would be gathering information on the type of back door and the type of access that is needed. Supervisor LeFeber reported that Historian Kingston was interested and questioned what other doors may need locks.

DISCUSSION – TOWN CLERK

Town Clerk's Report for March 13, 2014

Thank You

For approving Ellen's appointment her job performance is outstanding and I look forward to recommending her raise in just 30 more days.

Receipt of a thank you was extended to the Town, Planning and Zoning Board Members and the Town Clerk for helping accomplish an asset to Avon in our Business Community, LG Evans – Jeff Swan, Owner.

DISCUSSION – TOWN CLERK-continued

Use of facility

The Building Committee has approved two requests.

1. For the Liv. Cty. Industrial Development Agency for use of the Board Room to conduct a Public Hearing on the 24th of March from 1:30 P.M. to 2:30 P.M.
2. For the use of the Board Room for the 22nd of March, 10:00 A.M. – 5:00 P.M., to sew items to be donated to the Avon Ambulance, they are expecting 8 – 15 people to attend, there is no charge for admission and they have do not have a public liability policy. The plan will be to continue to schedule dates in the future. Approval of this specific request would then be carried to future dates when the room is available.

The Board appeared to approve of the Use of Facilities requests.

Records Management the NYS Archives is hosting a workshop on the Legal Aspects of Records Management on the 18th of March at the County Government Center and I'm signed up.

Property Tax Bills

We have collected to date \$4,002,220.85. Town Collection using Community Bank is \$2,598,333.04 and Five Star Collection is \$1,402,122.35. These amounts exclude any penalties collected. The remaining unpaid principal amount is \$573,557.60.

US Bank Lease Contract

In the abstract tonight is a voucher to pay U.S. Bancorp past overage charges in the amount of \$12.83 and contract payment 1-15-2014 to 2-15-2014 in the amount of \$140.99 for a total cost of \$153.82 the voucher includes a statement that this will bring the US Bancorp account current. We do not owe this money for these identified charges.

Town Clerk's Report and Minutes of the November 7, 2013 Board Meeting follows:

As of this month, Eastern has not satisfied the final balance of the escalation charges of \$153.82. These charges stem from the increased monthly contract price US Bank began charging the Town. After 10 months of working with Eastern, the escalated/increased contract price was dropped but that still left an outstanding balance which Eastern was going to have credited.

US Bank is unable to accept payment from a 3rd Party such as Eastern. They can only accept payment from the party listed on the lease. Although a partial credit was received by US Bank in June, the collection rep was unable to determine how that was completed.

The Town has been paying the contracted price of \$483 plus any overages every month. However, US Bank has and will continue to apply to the oldest outstanding balance before applying to the current monthly amount until this is cleared. Therefore we are appearing to always be behind in payment of our lease.

Since Eastern and US Bank are unable to agree on how to clear this balance internally, it leaves the choice of the Town receiving a check from Eastern for the amount and turning around and paying this to US Bank. The concern is whether paying it this way to clear the old balance will cause any issues and appear that the Town had agreed to the increased contract price.

DISCUSSION – TOWN CLERK-continued

Looking for a recommendation of the Board on how to proceed. And then take this back to Eastern to clear this issue once and for all.

The Board appeared to agree that the Attorney would need to be involved and Supervisor LeFeber offered to work with him. Town Clerk Knight thanked the Board for their support.

We have continued to present U.S. Bancorp Equipment Finance, Inc. invoices for all charges owed and prepared vouchers that received approval for payment from the Board.

Approval of this voucher as written is agreeing that we are not paying on time. The Town Clerk's Office has been vigilant in requesting invoices to allow timely payments and we have spent countless hours keeping track of this contracted service. It's unfortunate that this voucher portrays that we are not making timely payments on this contracted service. The Board has approved payments of all past vouchers, so unless the payments are being held, the information is untrue?

The Board requested an amendment be made to the voucher. Also that a letter be included with the check explaining in detail what is included in the payment to be written by the Town Clerk and signed by the Supervisor. Also include on the check "*Paid Under Protest*".

Supervisor LeFeber spoke of our electric bills being high while our usage is lower. This is all a part of the deregulation of costs and this is affecting our A1620.4 budget line item. Deputy Supervisor Mairs questioned what the school is paying for electric. It was confirmed that the Water Department continues to use propane and when the tank runs out we will be switching back to gas.

A second line item that is expected to go over budget is the line item for the Zoning Board of Appeals Clerk. Lisa Anderson has spent a lot of time on the appeal of the decision of the Code Enforcement Officer for property located at 1801 Pole Bridge Road.

Supervisor LeFeber will be working on getting the Planning Board and Zoning Board of Appeals Minutes up to date and filed with the Town Clerk.

RESOLUTION #58 PAYMENT OF BILLS

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

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

RESOLVE to accept for payment for Abstract 2014-5 in the following amounts and amending voucher #121 as discussed:

Concerning ABSTRACT of Claims Number 2014-05 including claims as follows:

RESOLUTION #58 PAYMENT OF BILLS-continued

General Fund	Voucher #102 through #131 in amounts totaling \$15,043.46
Highway Fund	Voucher #37 through #44 in amounts totaling \$7,298.18
Water Fund	Voucher #28 through #36 in amounts totaling \$4,046.31
Cemetery Fund	No Voucher
Opera Block Capital Improvement	No Voucher
Royal Springs Lighting	Voucher #3 through #3 in amounts totaling \$1192.18
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	No Voucher

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

RESOLUTION #59 RECEIVED MONTHLY REPORTS FROM THE TOWN CLERK AND SUPERVISOR

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN BLYE AND AYERS)

RESOLVE to accept the monthly reports for February from the Town Supervisor and from the Town Clerk as shown below:

Town Clerk February Report:

<u>Total Local Shares Remitted:</u>	<u>\$1,046.21</u>
<u>New York State Department of Health</u>	<u>\$22.50</u>
<u>NYS Ag. & Markets for spay/neuter program</u>	<u>\$56.00</u>
<u>NYS Environmental Conservation</u>	<u>\$146.45</u>
<u>WATER Fee</u>	<u>\$398.55</u>
<u>TOTAL</u>	<u>\$1,669.71</u>

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

RESOLUTION #60 ACCEPT THE 2013 ANNUAL REPORT OF THE SUPERVISOR

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN BLYE AND AYERS)

RESOLVE to accept the 2013 Annual Report of the Supervisor to be filed with New York State by April 1, 2014.

RESOLUTION #60 ACCEPT THE 2013 ANNUAL REPORT OF THE SUPERVISOR-continued

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

DISCUSSION – 2013 WATER RATE

Councilman Steen reported on the Water Works Committee Meeting. Supervisor LeFeber provided information on the credit/debit balances and the Board took the following action.

RESOLUTION #61 ADOPT A WATER RATE FOR 2014

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

ADOPTED AYES 3 NAYS 0 ABSENT 2 (COUNCILMEN BLYE AND AYERS)

RESOLVE to adopt a water rate of \$2.27 per 1000 gallons as a wholesale water rate.

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

DICUSSION – COMPREHENSIVE PLAN UPDATE

Supervisor LeFeber reported that a meeting will be held next Wednesday with Carol Zimmerlin from Larsen Engineer Inc., Councilman Blye, and Deputy Supervisor Mairs to discuss and identify the goals of the Comprehensive Plan Committee.

DISCUSSION – OPEN ITEMS

Councilman Steen asked for a water slippage report and for the number of master meters in the Town. Supervisor LeFeber spoke of the master meters at Fowlerville Road, Harper Park, the Village connection, and the Howlett/Hopkins meters. There was discussion on Village residents being served on the Town lines as well as Town residents being served on the Village lines.

A couple of 2013 maintenance items including the amount of unmetered water for last year were approximately one million gallons. The suggested causes are water used from fires hydrants for fires and a leak in the line on Fowlerville Road. It was determined that the Town bills for the flea market at the corner of Agar Road.

Supervisor LeFeber identified the need to identify joint water projects for next year such as computer upgrades, closer linking the Town and Village Water Systems.

DISCUSSION SUPERVISOR ITEMS

Supervisor LeFeber reported on the need to request that the issued Town of Avon Code Books be brought into the Town Clerk's Office to be checked to make sure updates to the books have been made. Both the Attorney and Engineer's books have been updated.

DISCUSSION ASSESSOR REPORT

Assessor Snyder reported that meetings are being schedule with property tax owners Monday – Wednesday and will continue through the first week of April if needed. Thirty people have been for meetings to date.

There has been a lot of discussion on the Governor's tax caps. Supervisor LeFeber expects our budget to continue to stay level and that our reserves are adequate. On the first of September our last payment on the highway garage is due.

Although the State's plan was not to require Assessor to assist with their Star Program a webinar is planned for Tuesday hosted by the New York State Tax and Finance. A part of the webinar is how to remove property owners from the tax roll. Before Thanksgiving there were a lot of people that did not sign-up for the Star program and we reduced that number. There are still a lot of people within Harper Park and it's expected that the owner will be impacted greatly.

The preliminary assessment value is unknown at this time. It's question if a surprise pilot program is going to be offered before the 1st of May.

The Board of Assessment review training has not been scheduled at this time.

Supervisor LeFeber thanked Tami for her work and efforts.

DISCUSSION – UPDATED ZONING MAP

There was discussion on the need to print a new Zoning map that would include the recent Morey re-zone. Engineer Fonte will have one printed and bring to the next meeting. There was discussion on the Counties ability to update and print for free. Assessor Snyder suggested Engineer Fonte request a PDF file from Bill Fuller at the County to improve the maps accuracy. There would not be a cost association. Town Clerk Knight questioned if the County has up to date zoning and Assessor Snyder responded that she did not know. Attorney Campbell listed a number of changes that have occurred after the December 2010 Map was printed.

RESOLUTION #62 OPEN EXECUTIVE SESSION

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

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

RESOLVE to enter into executive session for the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the public body, but only when publicity would substantially affect the value thereof. TIME 8:23 P.M. inviting Attorney Campbell.

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

RESOLUTION #63 CLOSE EXECUTIVE SESSION

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

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

RESOLVE that the Executive Session be closed and that this Board returns to the meeting with no action taken. Time 9:00 P.M.

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

On motion of Councilman Steen, seconded by Supervisor LeFeber, the meeting adjourned at 9:02 P.M.

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