

**TOWN OF PAVILION  
REGULAR MEETING  
OCTOBER 13, 2011  
7:30 PM**

The Town Board of the Town of Pavilion held the regular monthly meeting on October 13, 2011 at the town hall, One Woodrow Drive, Pavilion, New York 14525 at 7:30 p.m. Present were:

Supervisor Gary Knepshield  
Councilman Linda Thompson  
Councilman Bruce Stisser  
Councilman Thomas Klapper  
Councilman Ron Zarbo

Others: Clerk Lynne Roblee, DR Roblee, Planning Board Chairman Ed Hollwedel, Theron Howard, Cindy Starr, Bill Kegler, Highway Superintendent John Strathearn, Ilene Parmenter, Account Clerk Melody Osterman, Rosalie Maguire and Bill Fritz from Lawley Insurance

Supervisor Knepshield opened the meeting followed by the pledge to the flag.

Councilman Klapper offered a motion, seconded by Councilman Thompson, to approve the, September minutes of the regular monthly meeting as submitted.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye
Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

Councilman Zarbo offered a motion, seconded by Councilman Stisser, to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$10,417.22; Library \$1,532.70; Sewer \$2,739.12; Water \$2,321.32; T&A \$60.00; Highway \$33,472.52. TOTAL \$50,542.88.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye
Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

**CORRESPONDENCE:**

50. Genesee County Legislature RE: re-levy against tax reimbursements

51. Stuart Brown Associates RE: receiving approved and signed negative declaration for South Street Road/York Road water district.

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Supervisor Knepshield report;

- Noted that he had to resend the information on self insurance to Lawley Insurance
- Noted that the Supervisor & Town Clerk met with Kim & Paul McCullough about updating the web site for the town.
- Received the annual water consumption report from MCWA. Councilperson Thompson offered a motion, seconded by Councilperson Zarbo, to authorize the sewer units will be adjusted as necessary. Voting all ayes.
- The planning board would like to organize all the zoning and planning board records in the future, possibly apply for a grant to do this.

Highway Superintendant Strathearn report;

- CHIPS paperwork has been completed and submitted for reimbursement
- Replaced 4 cross culverts, and sold old culverts as scrap metal

Rosalie Maguire and Bill Fritz from Lawley Insurance gave a presentation for insurance coverage with NYMIR (NY Municipal Insurance Riciprocal).

Councilman Thompson offered a motion, seconded by Councilman Stisser, to approve **Resolution No. 44**, 2011 (Schedule Public Hearing on proposed Local Law No. 3, 2011 Local Override Law.)

WHEREAS the Town Board of the Town of Pavilion finds it necessary to override the tax levy limit in order to meet bond payments, fund health insurance expenses and fund pension contribution payments; and

WHEREAS Supervisor Knepshield introduced a proposed Local Override Law, seconded by Councilman Thompson be it hereby

RESOLVED that the Town Board of the Town of Pavilion will hold a public hearing on Wednesday October 26, 2011 at 7:00 PM at the town building to hear any person for or against any item contained in proposed Local Law No. 3, 2011 - Local Override Law. A local law to override the tax levy limit established in General Municipal Law 3-c.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye
Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

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Councilman Klapper offered a motion, seconded by Councilman Stisser, to approve **Resolution No. 45**, 2011 (Lateral Restriction)

**TOWN OF PAVILION  
SOUTH STREET ROAD AND YORK ROAD WATER DISTRICT  
LATERAL RESTRICTIONS RESOLUTION**

WHEREAS, the Town Board of the Town of Pavilion has created the Town of Pavilion South Street Road and York Road Water District pursuant to Town Law for the express purpose of providing public water supply to residents along portions of South Street Road, York Road, Perry Road and County Route 63; and

WHEREAS, part of the land area within the South Street Road and York Road Water District is also within Genesee County Agricultural District No. 6; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 6; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

**Lateral Restriction - Conditions on Future Service**

The Town of Pavilion imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portions of South Street Road, York Road, Perry Road and County Route 63 which are included in South Street Road and York Road Water District, and within a county adopted, State certified agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where

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approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a "subdivision," in part, as "any tract of land which is divided into five or more parcels." Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.
- (5) Hydrants and valve boxes must not be placed directly in agricultural fields.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye
Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

Councilman Klapper offered a motion, seconded by Councilman Stisser, to approve **Resolution No. 46, 2011** (authorize updating web site)

WHEREAS the Town of Pavilion has a web site containing town information; be it hereby

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RESOLVED that the Town Board of the Town of Pavilion authorizes town web site to be updated to improve information and navigation to find information. The Town authorizes Paul & Kim McCollough to update the web site.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye
Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

Councilman Thompson offered a motion, seconded by Councilman Stisser, to approve **Resolution No. 47**, 2011 (Official Undertaking of Tax Collector)

**APPROVAL OF OFFICIAL UNDERTAKING**

For Tax Collection Officer

[The Official Undertaking/Bond must be filed with the County Clerk.]

**APPROVAL OF THE PAVILION TOWN BOARD**

We, the undersigned members of the Town Board of the Town of Pavilion, County of Genesee, State of New York, do hereby approve the attached undertaking or bond as to its form, manner of execution, amount and sufficiency thereof, and to the sureties named thereon. Said undertaking or bond shall be conditioned that the collector of taxes shall well and truly keep, pay over and account for all moneys and property coming into her/his hands as such collector. The Town Tax Collector agrees to forward monies collected by the Tax Collector to the County of Genesee prior to reaching a balance of \$500,000.00

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye
Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

Councilman Zarbo offered a motion, seconded by councilman Klapper, to approve **Resolution No. 48**, 2011 (Delinquent sewer bill re-levy)

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**WHEREAS**, the Town Clerk has prepared a list of all property owners who owe the Town for sewer service as of October 31, 2011; and

**WHEREAS**, Section 198 (3) (d) of Town Law stipulates that such amounts owing shall be levied against the property to which the service is rendered.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list in the amount of **\$5820.00** or as it may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2012 tax warrant.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye
Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

Councilman Klapper offered a motion, seconded by Councilman Zarbo, to approve **Resolution No. 49**, 2011 (Youth Recreation Program for 2012)

**YOUTH RECREATION RESOLUTION**

WHEREAS, it is the intention of the Pavilion Town Board to establish a Youth Recreation Program for the year 2012, and

WHEREAS, the Town Board of the Town of Pavilion is about to submit an application for such project to the New York State Division of Youth for it's approval, and if approved to apply subsequently to NYS for partial reimbursement of funds expended on such project, as provided by Chapter 556 of Law of 1045,

RESOLVED, that such application be in all respects approved and that Gary Knepshield, Supervisor of the Town of Pavilion, is hereby directed and authorized to duly execute and to present such application to the NYS Division of Youth for its approval (Section 2).

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye
Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

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The board worked on the 2012 tentative budget.

Councilman Thompson offered a motion, seconded by Councilman Stisser, to approve **Resolution No. 50**, 2011 (approve Tentative budget as Preliminary budget for 2012)

WHEREAS the Town Board of the Town of Pavilion has reviewed the tentative budget and made revisions as agreed upon by the members, be it hereby

RESOLVED that the tentative budget become the preliminary budget for the fiscal year beginning January 01, 2012.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye
Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

Councilman Thompson moved to adopt **Resolution No. 51**, 2011, seconded by Councilman Klapper. (Set Public Hearing on Preliminary budget for 2012)

RESOLVED that a public hearing on the preliminary budget for the fiscal year 2012 will be held on October 26, 2011 at the town hall at 7:15 PM to hear any person for or against any item contained in the preliminary budget.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye
Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

Councilman Klapper offered a motion, seconded by Councilman Stisser, to approve **Resolution No. 52**, 2011 (schedule a special 2<sup>nd</sup> monthly meeting for October)

RESOLVED that the town board of the town of Pavilion hereby sets the date for a special 2<sup>nd</sup> monthly meeting for October. The special meeting will be held on October 26, 2012 at the town hall at 7:30 PM.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Gary Knepshield	Aye
Councilman Linda Thompson	Aye
Councilman Bruce Stisser	Aye

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Councilman Thomas Klapper	Aye
Councilman Ron Zarbo	Aye

Councilman Stisser offered a motion at 9:45 PM to adjourn the meeting, seconded by Councilman Klapper. Voting all ayes.

Respectfully submitted,

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Lynne Roblee, Town Clerk