

**REGULAR MEETING**  
**October 13, 2021**  
**TOWN OF PAVILION**  
**7:00 P.M.**

The Town Board of the Town of Pavilion held the Regular Board meeting on October 13, 2021 at the Town Hall, One Woodrow Drive, Pavilion, New York 14525 at 7:00 pm Present were:

Supervisor Robert LaPoint  
Councilperson John Rudgers  
Councilperson Donald Oberlin  
Councilperson James Thater  
Councilperson Mark Heineman          Absent

Others: Cindy Starr, James Cleveland, Jessie Coots, George Jinks

Following pledge to the Flag, Supervisor LaPoint opened the meeting at 7:00 PM

Report –Highway-James Cleveland

- \*Genesee County Ice & Snow contract reviewed.
- \*Road blacktop project are complete.
- \*Fall roadside mowing will start.
- \*Waste oil burner in here.
- \*Will be installing wall in recycling building.
- \*Receiving bids for pick-up truck.
- \*Cleaning out buildings there is extra vinyl siding to declare surplus.

Highway-John Rudgers-no report

Sewer- Donald Oberlin-no report

Code Enforcement-James Thater

- \*Issued solar panel permit for RG&E.
- \*Zoning Board will meet 10-28-21 for Gould Farm variance.
- \*Notices of violation mailed by certified mail receipts received except for one.

Water – Mark Heineman-Robert LaPoint

- \*Water tank has been switched for operation to Monroe County Water Authority.
- \*Public Hearing for Water District #7 on October 20, 2021 @ 6:00PM.

Supervisor LaPoint offered a motion, seconded by Councilperson Thater

**RESOLUTION 81, 2021: Declare extra vinyl siding as surplus**

RESOLVED: Declare the extra vinyl siding stored in out building as surplus

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 82, 2021: Genesee County Ice & Snow agreement**

RESOLVED: Approve Genesee County Ice & Snow agreement

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 83, 2021: Town of LeRoy Court Security Deposit**

RESOLVED: Per contract send the Town of LeRoy \$500.00 security deposit.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 84, 2021: Baldwin Accounting Service**

RESOLVED: Approve contract with Baldwin Accounting BBS for 2022.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Supervisor LaPoint offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 85, 2021: Delinquent Sewer Accounts.**

**RESOLVED:** The Town Clerk has prepared a list of all property owners who owe the Town for sewer service as of October 31, 2021; 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 **\$9730.00** or as it may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2022 tax warrant.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Supervisor LaPoint offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 86, 2021: 2022 Approval of Official Undertaking Bond of Tax Collector**  
**RESOLVED: 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 \$900,000.00.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Supervisor LaPoint offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 87, 2021: Appoint 2022 County Tax Collector**

**RESOLVED** Appoint Lucinda Starr as 2022 County Tax collector

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Supervisor LaPoint offered a motion, seconded by Councilperson Oberlin

**RESOLUTION 88, 2021: Town of Bethany water debt service charge.**

**RESOLVED:** Add Town of Bethany water debt service to 2022 county tax bill for property owner Leonard & Faye Howell tax map 1.-1-2.11 in the amount of \$663.00

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Supervisor LaPoint offered a motion, seconded by Councilperson Thater

**RESOLUTION 89, 2021: Town of York water debt service charge.**

**RESOLVED:** Add Town of York water debt service to 2022 county tax bill for property owner Gary & Joanne Graham tax map 11.-1-23 and Gary & Sharon Swede tax map 17.-1-16-21 in the amount of \$550.75 each.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 90, 2021: Orrick, Herrington, Sutcliffe Bond Agreement.**

**RESOLVED:** Approve Orrick, Herrington & Sutcliffe as bond council for Water District #7 fee not to exceed \$15,000.00 .

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Thater offered a motion, seconded by Councilperson Oberlin

**RESOLUTION 91, 2021: Public Hearing for Sewer District.**

**WHEREAS,** the Town Board of the Town of Pavilion, Genesee County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Sewer District No.1, in the Town of Pavilion, Genesee County, New York (the “Sewer District No.1), consisting of the construction of a disinfection system at the wastewater treatment plant, including pump station, filter system, ultra-violet disinfection system and original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith at a maximum estimated cost of \$741,000; and

WHEREAS, said project has been determined to be a “Type I Action” pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), the implementation of which as proposed, it has been determined will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to call public hearing on the question of the increase and improvement of the facilities of said Sewer District No.1, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Pavilion, Genesee County, New York, as follows:

Section 1. A public hearing will be held in the Town Hall, in Pavilion New York, in said Town, on November 3, 2021 at 7:00 o’clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of Sewer District No.1, in the Town of Pavilion, Genesee County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as **Exhibit A** and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call which resulted as follows:

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent

Councilperson James Thater                      Aye

Councilperson Thater offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 92, 2021: Municipal Solution Water District #7 agreement**

**RESOLVED:** Approve 24 month agreement with Municipal Solution for water district #7 not to exceed \$12,000.00 effective when service in utilized.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

**RESOLUTION 93, 2021: Amendment of Municipal Solution Water Tank agreement**

**RESOLVED:** Amend Municipal Solution water tank agreement in the amount of \$3000.00

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Rudgers offered a motion, seconded by Councilperson Thater

**RESOLUTION 94, 2021: Auction International agreement**

**RESOLVED:** Renew Auction International agreement

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Thater offered a motion, seconded by Councilperson Oberlin

**RESOLUTION 95, 2021: Thank you Noblehurst Farm**

**RESOLVED:** Thank you to Noblehurst Farm for use of and during water tank project.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

**RESOLUTION 96, 2021: National Grid LED lights**

**RESOLVED:** Approve National Grid to install LED streetlights.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

**RESOLUTION 97, 2021: Transfer Station ticket machine**

**RESOLVED:** Approve the purchase of a ticket machine for the transfer station.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

**RESOLUTION 98, 2021: Adopt 2022 Preliminary Budget**

**RESOLVED:** Adopting of 2022 Preliminary Budget

Approved by vote (4-0). Voting was as follows:



Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Supervisor LaPoint offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 99, 2021: 2022 Budget Public Hearing Date**

**RESOLVED:** Public Hearing for the 2022 Budget will be November 3, 2021 @ 7:15PM.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Thater offered a motion, seconded by Councilperson Rudgers to approve the September 8, 2021 regular board meeting and September 1 & October 6, 2021 special meeting minutes.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Thater offered a motion, seconded by Councilperson Oberlin to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$22,786.94; T&A \$42,346.55; Sewer; \$8,890.62, Highway; \$61,858.55; Capital \$207,246.68; Water District #7; \$3,185.51

TOTAL \$346,314.85

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers to Approve Sept. 2021 operating statement, monthly bank reconciliation & clerk report.

Approved by vote (4-0). Voting was as follows:

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Aye

Councilperson Rudgers made a motion at 8:49PM to adjourn meeting seconded by Councilperson Thater. Voting all ayes.

Respectfully submitted,

Lucinda Starr  
Pavilion Town Clerk