

REGULAR MEETING
November 2, 2022
TOWN OF PAVILION
7:00 P.M.

The Town Board of the Town of Pavilion held the Regular Board meeting on November 2, 2022 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 Dean Davis

Others: Cindy Starr, Everett Pike, Todd Hackett, Ken Steinmetz, George Jinks & Jesse Coots.

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

Highway-James Cleveland-no Report

Highway-John Rudgers-

- *Culvert pipe going in on Asbury Rd.
- *Salt barn is full
- *Trucks are ready for winter season
- *Sidewalk blower for bobcat is here

Sewer- Donald Oberlin-no report

Code Enforcement-James Thater

- *Zoning Board will meet for a setback issue

Water -Dean Davis- no report

Due to a family issue Supervisor LaPoint had to leave meeting. Deputy Supervisor James Thater continued the meeting.

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

RESOLUTION 72, 2022: Donald & Carol Logan relevy.

RESOLVED: Relevy to 2023 county tax bill for property owner Donald & Carol Logan tax map 16.-2-100 for removal of unsafe building in the amount of \$7,725.57.

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

Supervisor Robert LaPoint	Absent
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Dean offered a motion, seconded by Councilperson Rudgers

RESOLUTION 73, 2022: APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW

WHEREAS, The Monroe County Water Authority (“Authority”) intends to provide public water service to 7360 York Road, 7230 York Road, 7287 York Road, and 7071 York Road located in the Town of Pavilion; and

WHEREAS, the acquisition of the easement is necessary for operation, maintenance and the future replacement of the water main which will allow the Authority to continue to reliably provide potable water supply to the area; and

WHEREAS, the easement is located along the frontage of 7360 York Road (Tax Acct. No. 16.0-2-11), which is owned by David D. Carlsen and Catherine J. Carlsen, 7230 York Road (Tax Acct. No. 16.0-2-13.2), which is owned by Randolph L. Phelps and Marlyn Kay Phelps, 7287 York Road (Tax Acct. No. 16.0-2-9.2), which is owned by Andrew F. Whalen and Mark J. Whalen, and 7071 York Road (Tax Acct. No. 16.0-2-95.2), which is owned by Pavilion Central School District; and

WHEREAS, §1096(6-a) of New York’s Public Authorities Law requires the Authority to obtain the prior approval of the Town Board for the above-referenced acquisition; now therefore be it

RESOLVED, that the Town hereby approves of the Authority’s acquisition of the frontage easement located at 7360 York Road, 7230 York Road, 7287 York Road, and 7071 York Road in accordance with §1096(6-a) of the New York Public Authorities Law and be it further

RESOLVED that a copy of this resolution be provided to the Authority.

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

Supervisor Robert LaPoint	Absent
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Rudgers offered a motion, seconded by Councilperson Davis

RESOLUTION 74, 2022: 2023 Code Enforcement Agreement

SIXTH AMENDED TOWN OF BATAVIA AND PAVILION CODE

ENFORCEMENT AGREEMENT THIS AGREEMENT, made between the Town of Pavilion, a municipal corporation with offices at 1 Woodrow Drive, Pavilion, NY 14525 (“Pavilion”), and the Town of Batavia, a municipal corporation with office at 3833 West Main Road, Batavia, NY 14020 (“Batavia”), **WHEREAS**, pursuant to article 5-G of the General Municipal Law, Pavilion and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of Code Enforcement services, and **WHEREAS**, Batavia employs fully qualified Code Enforcement Officers to enforce Zoning Code, Fire and Building Codes and other various codes and regulations, and **WHEREAS**, Pavilion has identified a need to have its Codes enforced by Batavia, and **WHEREAS**, Batavia intends to continue to maintain the position of Code Enforcement Officer and to provide Code Enforcement Duties in both the Town of Batavia and the Town of Pavilion. **NOW THEREFORE, BE IT RESOLVED**, pursuant to Article 5-G of the General Municipal Law, it is agreed as follows: **First:** That Pavilion shall appoint the Code Enforcement Officers of the Town of Batavia as its Code Enforcement Officers. **Second:** In consideration for compensation for the services set forth herein, Pavilion shall pay Batavia fifteen thousand, four hundred, fifty dollars \$ \$15,450.00 per year of this agreement. The sum shall be paid during the 2023 budget year to provide services for the year of 2023. **Third:** The services that will be provided will be to administer the adopted NYS Building Codes, Town of Pavilion Zoning Code and Town of Pavilion Land Separation Law. **Fourth:** Services provided will be on call and available during business hours of Monday thru Friday work week from 9am- 3pm. **Fifth:** The Code Officer shall for all purposes be deemed an employee of Batavia. The Code Officer shall not in any way be construed as an employee of Pavilion. Batavia shall pay the Code Officers salary and make employer’s contributions for retirement, social security, health insurance, worker’s compensation, unemployment and other similar benefit. **Sixth:** This agreement does not include attorney services and Pavilion shall provide and pay for all attorney services and expenses in its jurisdiction. **Seventh:** This agreement shall become effective

on January 1st 2023 and expire on December 31st 2023 with an option for either municipality to terminate this agreement upon a ninety (90) day written notice to the other municipality. **Eighth:** There are no other agreements or understandings, either oral or written, between the parties affecting this agreement. No changes, additions or deletions of any portions of this agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

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

Supervisor Robert LaPoint	Absent
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Rudgers

RESOLUTION 75, 2022: Baldwin Accounting Service

RESOLVED: Approve contract with Baldwin Accounting BBS for 2023 in the amount of \$11,200.00.

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

Supervisor Robert LaPoint	Absent
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Rudgers

RESOLUTION 76, 2022: In Recognition and Appreciation of Donation from Jamie & Byron DeWitt

WHEREAS, The Town of Pavilion sought to purchase a new sign for the Henry Wright Memorial Park, and

WHEREAS, Jaime and Byron Dewitt graciously agreed to fund the purchase of the new sign

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Pavilion acknowledges and extends our deepest gratitude to Byron and Jaime and most sincere thanks.

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

Supervisor Robert LaPoint	Absent
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Rudgers offered a motion, seconded by Councilperson Davis

Resolution No 77, 2022: Adopt preliminary budget as final budget for 2023

WHEREAS, the Pavilion Town Board has held a Public Hearing on November 2, 2022 on the Preliminary budget for the fiscal year beginning January 01, 2023 to hear all persons present for or against any item contained in the Preliminary Budget. Be it hereby.

RESOLVED that the Town Board hereby adopt the Preliminary budget as the Final budget for the fiscal year beginning January 01, 2023.

Total budget \$2,111,794.75

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

Supervisor Robert LaPoint	Absent
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers to approve the Oct 12, 2022 regular board meeting.

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

Supervisor Robert LaPoint	Absent
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$9,853.00; T&A \$13,853.27; Sewer; \$11493.05, Highway; \$20887.52, Capital \$15630.02.

TOTAL \$71,716.86

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin to Approve Oct, 2022 operating statement, bank reconciliation & clerk report.

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

Supervisor Robert LaPoint	Absent
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Deputy Supervisor Thater made a motion at 8:24PM to adjourn meeting seconded by Councilperson Davisr. Voting all ayes.

Respectfully submitted,

Lucinda Starr