

**REGULAR MEETING**  
**December 8 2021**  
**TOWN OF PAVILION**  
**7:00 P.M.**

The Town Board of the Town of Pavilion held the Regular Board meeting on December 8, 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	Absent
Councilperson James Thater	
Councilperson Mark Heineman	Absent

Others: Cindy Starr, James Cleveland, Matt Mahaney, Jessie & Jolene Coots & George Jinks

Following pledge to the Flag at 7:03 PM Supervisor LaPoint opened the public hearing in relation to Local Law #2 the termination of coordinated assessment agreement with Town of LeRoy.

Councilperson Rudgers made a motion at 7:45PM to adjourn Public Hearing and open regular town board meeting seconded by Councilperson Thater.

Report –Highway-James Cleveland

- \* Salt use is down but will top salt barn off before end of year
- \* New pick-up is here old truck is on line for sale with Auction Internationals
- \* Need to purchase cutting edges

Highway-John Rudgers-no report

Sewer- Donald Oberlin-Robert LaPoint

- \*Needed to replace grinder pump
- \*Sewer back-up on Rt19, when replacing gas line sewer line was bored through. Highway Dept. crew fixed the problem.

Code Enforcement-James Thater

- \*Ready to proceed with property maintenance violation.

- \*1203 program fire inspections will be completed by year end
- \*Planning board has been invited to proposed campground site property on 12-11-2021

Water – Mark Heineman-Robert LaPoint-no report

Supervisor LaPoint offered a motion, seconded by Councilperson Thater

**RESOLUTION 111, 2021: Property Maintenance Violations**

**RESOLVED: Town Board is in support of moving forward with the property maintenance violations**

Approved by vote (3-0 abstain). Voting was as follows:

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

Councilperson Rudgers offered a motion, seconded by Councilperson Thater

**RESOLUTION 112, 2021: Local Law 2-2021 TERMINATION OF COORDINATED ASSESSMENT AGREEMENT WITH THE TOWN OF LEROY**

WHEREAS, the Town Board of the Town of Pavilion duly called a public hearing for the consideration of terminating the “Coordinated Assessment Agreement” (CAP Agreement) with the Town of LeRoy enacted in 2006 and notice was given for said public hearing as required by law; and

WHEREAS, the public hearing was held at Town Hall, Pavilion NY on the 8<sup>th</sup> day of December 2021 at 7:00 P.M and,

WHEREAS, the CAP agreement is no longer beneficial for the interests of the Town of Pavilion as determined by the Town Board;

BE IT ENACTED by the Pavilion Town Board that the CAP Agreement is hereby terminated effective January 1<sup>st</sup> 2022.

Approved by vote (3-0). Voting was as follows:

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

Councilperson James Thater

Aye

Councilperson Thater offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 113-2021: 2022 Code Enforcement Agreement**

**SIXTH AMENDED TOWN OF BATAVIA AND PAVILION CODE ENFORCEMENT AGREEMENT THIS AGREEMENT**, made this 8th day of December, 2021 by and 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 2022 budget year to provide services for the year of 2022. **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 2022and expire on December 31st 2022 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 (3-0). Voting was as follows:

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

Councilperson Rudgers offered a motion, seconded by Supervisor LaPoint

**RESOLUTION 114-2021: Mengel Metzger Barr & Co Audit Agreement**

RESOLVED: Approve agreement with Mengel Metzger Barr & Co for auditing services for the 2021 year not to exceed \$15,350.00

Approved by vote (3-0). Voting was as follows:

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

Councilperson Thater offered a motion, seconded by Councilperson Rudgers to approve the Nov 3, 2021 regular board meeting & Public Hearing minutes.

Approved by vote (3-0). Voting was as follows:

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

Councilperson Rudgers offered a motion, seconded by Councilperson Thater to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$40,330.95; T&A \$44,702.07; Sewer; \$19,858.93, Highway; \$89,959.39 Water District 11,119.00; Capital; \$7,082.36

TOTAL \$213,052.70

Approved by vote (3-0). Voting was as follows:

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

Councilperson Thater offered a motion, seconded by Councilperson Rudgers to Approve Nov 2021 clerk report, operating statement, bank reconciliation.

Approved by vote (3-0). Voting was as follows:

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

Supervisor LaPoint made a motion at 8:06PM to adjourn meeting seconded by Councilperson Rudgers. Voting all ayes.

Respectfully submitted,

Lucinda Starr  
Pavilion Town Clerk