

REGULAR MEETING
June9, 2021
TOWN OF PAVILION
7:00 P.M.

The Town Board of the Town of Pavilion held the Regular Board meeting on June9, 2021 at the Town Hall, One Woodrow Drive, Pavilion, New York 14525 at 7:00 pm Present were:

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

Others: Cindy Starr, James Cleveland & George Jinks

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

At 7:01 PM Supervisor LaPoint opened the public hearing for Local Law #1 and Court lease agreement with Town of LeRoy.

Report –Highway-James Cleveland

- *First mowing of roadsides is complete.
- *Roanoke Rd is paved.
- *Start oil & stone in July.
- *Shop waste oil furnace is in need of repair.

Highway-John Rudgers-no report

Sewer- Donald Oberlin

- *North & South pits have been cleaned.
- *Sewer test kit is being purchased, per DEC regulation.

Code Enforcement-James Thater

- *Zoning Board will be working on land separation and various.
- *Planning Board has been conducting workshops on Jessie Coats campground.

Water – Mark Heineman-Robert LaPoint

- *Water tank needs to be coded and inspected.
- *Still waiting on Rural Development before Town can proceed with Water District 7.

Supervisor LaPoint offered a motion, seconded by Councilperson Thater

Resolution No. 53, 2021: Local Law # 1, 2021

RESOLVED: Approve Local Law #1,2021 extending the exemption period for certain benefits under section 458-b of the real property tax law authorizing an alternative tax exemption for Cold War Veterans.

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

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

Supervisor LaPoint offered a motion, seconded by Councilperson Oberlin

Resolution No. 54, 2021: MRB Group Town Engineers

RESOLVED: Approve MRB Group as Town Engineers.

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

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

Councilperson Oberlin offered a motion, seconded by Supervisor LaPoint

Resolution No. 55, 2021: Movie in the Park

RESOLVED: Accept request from local business to have a movie in the park for the residents of the town.

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

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

Supervisor LaPoint offered a motion, seconded by Councilperson Thater

Resolution No. 56, 2021: Court Facility Agreement

RESOLVED: Accepting a facility lease agreement with the Town of LeRoy to operate Pavilion Town Court from LeRoy Court Facilities. A copy of the resolution is posted at Pavilion Town Hall, One Woodrow Drive, Pavilion NY and on file with the Town Clerk. This resolution is subject to permissive referendum.

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

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

Supervisor LaPoint offered a motion, seconded by Councilperson Oberlin

Resolution No. 56, 2021: Resignation of Kate Werner as Court Clerk.

RESOLVED: The Town of Pavilion accepts the resignation of Kate Werner in the position of Court Clerk effective June 13,2021.

Supervisor LaPoint offered a motion, seconded by Councilperson Oberlin

Resolution No. 57, 2021: Hire Rachel Ohlson as Court Clerk.

RESOLVED: The Town Board of the Town of Pavilion resolves to hire Rachel Ohlson in the position of part-time court clerk at the hourly rate of \$17.50 with a set 15 hour per week schedule effective June 14, 2021.

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

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

Supervisor LaPoint offered a motion, seconded by Councilperson Thater

Resolution No. 58, 2021: MRB Engineer Group, Coots Campground agreement for Municipal Engineering Expenses.

RESOLVED: This Agreement between the Town of Pavilion, a municipal corporation with its principal office located at the Pavilion Town Hall, 1 Woodrow Drive, Pavilion, New York (the “Town”) and Jesse Coots, residing at 9787 Linwood Road, LeRoy, New York (the “Applicant”).

WHEREAS, Applicant has submitted an application to the Town for a special use permit to operate a campground located at 10156 Perry Road, Pavilion (*See* attached application and concept site plan) (herein the “Application”); and

WHEREAS, the Town has requested and the Applicant has accepted to reimburse the Town for its engineer’s consultation fees incurred in connection with the Application; and

WHEREAS, the Town has enlisted its retained engineering consultant, MRB Group, to assist it in the processing of the Application. The engineering consultant has submitted a preliminary budget of Five Thousand Dollars (\$5,000) and Applicant will deposit same to commence the review. MRB Group will be billing the Town on an hourly basis for such services.

NOW THEREFORE, in consideration of the mutual promises herein, the Town and Applicant agree that the terms and conditions of this Agreement are the following:

- Applicant shall reimburse the Town, in full, for its documented out-of-pocket engineering fees, paid to MRB Group, incurred in connection with the review of the Application. Applicant shall not be required to reimburse the Town for any engineering fees associated with any litigation related to the project.
 - Within fifteen (15) days from the execution of this Agreement, Applicant shall deposit the sum of Five Thousand Dollars (\$5,000) with the Pavilion Town Clerk, who shall hold the funds in escrow to be used to pay the engineering fees incurred in connection with the Application. The Applicant agrees to submit the monies to the Town Clerk of the Town of Pavilion on or before _____, 2021.
 - Whenever the balance of the escrow fund falls below Seven Hundred and Fifty Dollars (\$750.00), Applicant shall be notified, directly or through a designated representative, of the amount remaining in the account. Within five (5) business days of such notification, Applicant shall deposit an additional Seven Hundred and Fifty Dollars (\$750.00), or such other amount as the Town and Applicant shall agree, but not less than any outstanding bills, into the escrow account. In the event Applicant fails to replenish the account within five (5) business days of notification, the Town may suspend the application process and concurrently extend any applicable deadlines.
 - The invoices for engineering services will be submitted on a monthly basis to the Town Board, which will review the invoices. Upon approval by the Town Board, the Town Clerk will thereafter be directed to disburse funds from the escrow account to pay the invoices. Copies of all invoices shall be provided to Applicant directly or through a designated representative.
6. MRB Group has been retained by the Town to assist it and works only on behalf of the Town. MRB Group shall not have any obligation or fiduciary relationship with Applicant.

7. The services provided by MRB Group, subject to reimbursement hereunder, shall be limited to those services reasonably necessary to assist the Town in the processing of the Application in accordance with applicable laws. The rates charged by MRB Group shall remain consistent with the budget submitted and shall not exceed those rates customary within the community for similar services.
8. Upon completion of all the Town's responsibilities with respect to the review of the Application, any monies remaining in the escrow account, after paying all outstanding costs, fees and expenses, shall be returned to Applicant.
9. Upon request by Applicant, no more frequently than once per month, the Town shall render an accounting of all monies received and expended in connection with the escrow funds and an estimate of all costs, fees and expenses to be expended in the next one month.
10. Applicant understands and acknowledges that that engineering consultant, MRB Group, does bill at an hourly rate, and therefore the time spent in providing consultation services relative to the application will be reflected in the amount billed by the engineer.
11. This Agreement shall be governed by the laws of the State of New York.

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

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

Supervisor LaPoint offered a motion, seconded by Councilperson Thater

Resolution No. 59, 2021: Excess Workers Comp Agreement

RESOLVED: Accept the excess workers comp agreement.

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

Councilperson Oberlin offered a motion, seconded by Councilperson Thater

Resolution No. 60, 2021: Waste Hauling

RESOLVED: Authorize Supervisor LaPoint to enter into an agreement with waste hauling services at the lowest cost.

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

Councilperson Thater offered a motion, seconded by Supervisor LaPoint to approve the May, 2021 regular meeting minutes as submitted.

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

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

Councilperson Oberlin offered a motion, seconded by Councilperson Thater to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$13,216.09; T&A \$27,551.41; Sewer; \$5,701.96 Highway; \$171,167.94, Water District 7; \$3596.83; Capital \$252,339.35.

TOTAL \$473,673.58

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

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

Councilperson Oberlin offered a motion, seconded by Councilperson Thater to approve May 2021 operating statement, monthly bank reconciliation & clerk report.

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

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

Supervisor LaPoint made a motion at 7:57 PM to adjourn meeting seconded by Councilperson Thater
Voting all ayes.

Respectfully submitted,

Lucinda Starr
Pavilion Town Clerk