

REGULAR MEETING
August 11, 2021
TOWN OF PAVILION
7:00 P.M.

The Town Board of the Town of Pavilion held the Regular Board meeting on August 11, 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 Absent
Councilperson Mark Heineman Absent

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

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

Report –Highway-James Cleveland
*Summer roadside mowing completed.
*Oil & Stone of roads completed.
*Part of Black St needs paving.

Highway-John Rudgers-no report

Sewer- Donald Oberlin-no report

Code Enforcement-James Thater-Robert LaPoint
*Dan Lang has set up code enforcement software for Supervisor LaPoint and Town Clerk Cindy Starr for reference only.
*2nd code violations letters will be sent
*Dan Lang and Matt Mahaney have reviewed the unsafe building law.

Water – Mark Heineman-Robert LaPoint
*Water Tank should be completed by end of September.

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers

Resolution No. 67, 2021: Quote from Mengel Metzger Barr & Co for audit.

RESOLVED: Accept \$1,200.00 quote to compile depreciation schedules based on fixed asset and infrastructure information provided a requirement by USDA.

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

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

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

Resolution No. 68, 2021: Library 10 Year Use of Building and Grant Support

Be It Resolved, that the Pavilion Town Board recognizes, supports, and authorizes the proposed plans for capital improvement of the Pavilion Public Library. The building will continue to be used for library purposes for at least ten years from the completion of the project. The library provides community-wide customer service for Pavilion families that will certainly be enhanced by the proposed renovation. We encourage favorable consideration of this grant application.

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

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

Supervisor LaPoint offered a motion, seconded by Councilperson Oberlin

Resolution No. 69, 2021: Youth Recreation Director appreciation

RESOLVED: Thank you to Amanda Saravullo for her years of service as Youth Recreation Director.

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

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

Trash dumpsters need to be inside building for winter months overhead doors need replacing in recycling building quotes are Overhead Door - \$5300.00

Commercial Doors-\$7800.00

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

Resolution No. 70, 2021: Authorization for Supervisor to Accept Lowest Bid for Overhead Doors at Transfer Station

Be it Resolved, that the Pavilion Town Board authorizes the supervisor to accept the lowest bid not to exceed \$5,300 to purchase and install new overhead doors in the transfer station once it is confirmed that the new doors will properly accomodate four, 10 yard "tip up" style dumpsters for operating waste disposal service.

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

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

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers

RESOLUTION 71, 2021: TOWN OF BATAVIA, LEROY, AND PAVILION JOINT ASSESSMENT SERVICES AGREEMENT [SIXTH AMENDED]

RESOLVED, The Town Board authorizes the Town Supervisor to enter into a contract with the Town of Batavia and Town of LeRoy to provide assessment services to the Town of Pavilion for the sum to be paid by the Town of Pavilion in the amount of \$8,665.00 to the Town of LeRoy

FURTHER RESOLVED, the Pavilion Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

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

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

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers

RESOLUTION 72, 2021: A RESOLUTION OF THE OF THE AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE. WHEREAS, it is necessary for the TOWN OF PAVILION (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of _____ ONE MILLION ONE HUNDRED SIX THOUSAND & 00 pursuant to the provisions of Subject to NYS Local Fin Law;

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association: NOW THEREFORE, in consideration of the premises the Association hereby resolves: 1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government. 2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)). 3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000. 4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source. 5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder. 6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government. 7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds. 8. To place the

proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system. 9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition. 10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Town Council Town of Pavilion Public Body Town of Pavilion One Million One Hundred Six Thousand & 00 100 Subject to NYS local Fin Laws -2- 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government. 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require. 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan. 14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets. 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body. 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation. 17. To accept a grant in an amount not to exceed \$ under the terms offered by the Government; that the and of the Association are hereby authorized and empowered to take all action necessary.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye

Councilperson Mark Heineman Absent
Councilperson James Thater Absent

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

RESOLUTION 73, 2021: Water and Waste System Grant Agreement United States Department of Agriculture Rural Utilities Service THIS AGREEMENT dated 7/26/2021, between Town of Pavilion a public corporation organized and operating under Subject of NYS Local Fin Laws (Authorizing Statute) herein called ``Grantee," and the United States of America acting through the Rural Utilities Service, Department of Agriculture, herein called ``Grantor,'

' WITNESSETH: WHEREAS Grantee has determined to undertake a project of acquisition, construction, enlargement, or capital improvement of a (water) (waste) system to serve the area under its jurisdiction at an estimated cost of \$2,000,000.00 and has duly authorized the undertaking of such project.

Grantee is able to finance not more than \$ 1,106,000.00 of the development costs through revenues, charges, taxes or assessments, or funds otherwise available to Grantee resulting in a reasonable user charge.

Said sum of \$1,106,000.00 has been committed to and by Grantee for such project development costs.

Grantor has agreed to grant the Grantee a sum not to exceed \$894,000.00 or 44.70 percent of said project development costs, whichever is the lesser, subject to the terms and conditions established by the Grantor. Provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the Conditions of the grant.

As a condition of this grant agreement, the Grantee assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive orders and other generally applicable requirements, including those set out in 7 CFR 3015.205(b), which hereby are incorporated into this agreement by reference, and such other statutory provisions as are specifically set forth herein.

NOW, THEREFORE, In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 306(a) of The Consolidated Farm and Rural Development Act for the purpose only of defraying a part not to exceed 44.70 percent of the project development costs, as defined by applicable Rural Utilities Service instructions.

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

Supervisor Robert LaPoint Aye
Councilperson John Rudgers Aye
Councilperson Donald Oberlin Aye

Councilperson Mark Heineman Absent
Councilperson James Thater Absent

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers

RESOLUTION 74, 2021: Water District #7 Information Session

RESOLVED: Town of Pavilion will hold a public water information session meeting regarding Water District #7 on September 1, 2021 at 7:00PM.

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

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

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

RESOLUTION 75, 2021: Municipal Solutions Agreement Amendment

RESOLVED: Municipal Solutions Inc. is submitting this amendment to add an additional bond anticipation note borrowing to our original contract dated August 2, 2019.

The total fee for this contract based on the current project scope will increase by \$3000.00 for a revised not -to-exceed of \$14,000.00 at a rated \$148.

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

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

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

RESOLUTION 76 2021: MRB Group Water District #7 Agreement.

RESOLVED, that the Town Board of the Town of Pavilion accepts and authorizes the supervisor to enter into agreement with MRB Group for the engineering and design of water district #7 for a total cost of \$239,139.00

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

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

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin to approve the July, 2021 regular and public hearing meeting minutes as submitted.

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

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

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$15,325.92; T&A \$34,093.88; Sewer; \$14,099.77 Highway; \$79,965.56, Water District 7; \$830.55; Capital \$185,915.60.

TOTAL \$330,231.28

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

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

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin to approve July 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	Aye
Councilperson Donald Oberlin	Aye
Councilperson Mark Heineman	Absent
Councilperson James Thater	Absent

Councilperson Rudgers made a motion at 7:54 PM to adjourn meeting seconded by Councilperson Oberlin. Voting all ayes.

Respectfully submitted,

Lucinda Starr
Pavilion Town Clerk