

**TOWN OF PAVILION  
REGULAR MEETING  
September 10, 2014  
7:30 P.M.**

The Town Board of the Town of Pavilion held the regular monthly meeting on September 10, 2014 at the Town Hall, One Woodrow Drive, Pavilion, New York at 7:30PM present were:

Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo   Absent  
Councilperson Bruce Stisser   Absent

Others: John Strathearn, Edgar Hollwedel, Joe McIlroy, Randy Shepard, Karen Kingsley, Bill Kegler, Todd Hamilia & Sarah Kingdon.

Supervisor Howard opened the meeting at 7:30 PM followed by the pledge to the flag.

Councilperson Thompson offered a motion, seconded by Councilperson Klapper, to approve the August 13, 2014 meeting minutes as submitted.

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

Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo   Absent  
Councilperson Bruce Stisser   Absent

Councilperson Klapper offered a motion, seconded by Councilperson Thompson, to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$10,102.78; T&A \$29,004.85; Library \$760.81; Sewer \$5,243.99; Highway \$33,434.99; Water \$32.39 TOTAL \$78,579.81

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

Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo   Absent  
Councilperson Bruce Stisser   Absent

A motion was offered by Councilperson Thompson, seconded by Councilperson Klapper

To approve monthly operating statement.

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

Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo   Absent  
Councilperson Bruce Stisser   Absent

A motion was offered by Councilperson Thompson, seconded by Councilperson Klapper.

To approve monthly bank statement.

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

Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo   Absent  
Councilperson Bruce Stisser   Absent

A motion was offered by Councilperson Thompson, seconded by Councilperson Klapper

To approve monthly clerk report.

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

Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo   Absent  
Councilperson Bruce Stisser   Absent

Report-John Strathearn, Highway Superintendent

~ Quotes for new boiler-Dougherty Heating Company -\$6,449.00  
~Roger Higley-\$6960.00 with \$1,000.00 rebate program

A motion was offered by Councilperson Thompson, seconded by Councilperson Klapper to accept Roger Higley quote of \$6960.00 with \$1,000.00 rebate.

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

Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo   Absent  
Councilperson Bruce Stisser   Absent

Quote from Sign Language in the amount of 3675.00 to repair Town of Pavilion entrance signs.

A motion was offered by Supervisor Howard, seconded by Councilperson Thompson to accept Sign Language quote in the amount of \$3,675.00 to repair Town of Pavilion entrance signs.

Approved by unanimous vote (3-0). Voting was as follows:  
Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo    Absent  
Councilperson Bruce Stisser    Absent

Audit report from Randall Shepard from the Bonadio Group

- ~gave a draft of the audit
- ~New accounting standards were referenced in the opening letter of audit
- ~Took longer to do audit, was first time for the Bonadio Group and the Town
- ~Opinion letter gave a clean audit opinion

Presentation from Dollar General representative Todd Hamilia

- ~Proposed building site corner of Rt 63 & York Rd
- ~ Submitted a rezoning certificate to get the process started
- ~Concerns from board on location with students crossing Rt 63
- ~Board asked Dollar General to consider different sites.

Letter of resignation from Jamie Welch Town Attorney

A motion was offered by Councilperson Thompson, seconded by Councilperson Klapper to accept resignation of Town Attorney Jamie Welch.

Approved by unanimous vote (3-0). Voting was as follows:  
Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo    Absent  
Councilperson Bruce Stisser    Absent

A motion was offered by Councilperson Klapper, seconded by Councilperson Thompson to adopt:

**Resolution No. 34, 2014 Youth /Recreation County Agreement**

RESOLVED:

AGREEMENT

THIS AGREEMENT, made and dated the 1<sup>st</sup> day of January, 2014, between the **County of GENESEE, New York**, a municipal corporation of the State of New York with offices at **County Building I, BATAVIA, NEW YORK**, hereinafter referred to as the "County" acting for and on behalf of the **GENESEE COUNTY YOUTH BUREAU** and **Town of Pavilion** an association having its office and principal place of business at One Woodrow Dr., Pavilion NY 14525 hereafter referred to as the "Agency".

WITNESSETH:

**WHEREAS**, THE County through its Youth Bureau is desirous of providing a Contact Genesee program, and

**WHEREAS**, the Agency has heretofore made application to the Youth Bureau of the County for funds necessary to support the providing of the aforementioned youth program to be performed, of which application is attached hereto and made part hereof and

**WHEREAS**, the County is a municipality eligible to receive reimbursement of program expenditures from the State of New York for sponsoring said youth service program, and

**NOW THEREFORE**, in consideration of the mutual promises and covenants herein contained and for other good and valuable consideration, the receipt of which is hereby acknowledged, it is agreed among the parties as follows:

**FIRST:** The Agency agrees to operate a **Summer Recreation** program as set forth in the program application, which is attached hereto and made apart hereof, in accordance with the existing rules and regulations of the County Youth Bureau and the New York State Office of Children & Family Services, and the laws and the Constitution of the State of New York.

**SECOND:** The cost to provide the program for the term **January 1, 2014**, through **December 31, 2014**, is **\$12,300**. The County agrees to reimburse the Agency up to a sum not to exceed **\$990**. The sum will be paid upon satisfactory fulfillment of program requirements. The sum may be reduced subject to the availability of state aid.

**THIRD:** The County will make payments to the Agency upon submission to the County by the Agency, of monthly or quarterly vouchers in the form required by the County. All expenditures made by the Agency in connection herewith, must be made in accordance with the detailed contract budget as approved by the New York State Office of Children & Family Services to qualify for payment. Said budget is attached hereto and made a part hereof.

**FOURTH:** It is understood by and among the parties that considerations set forth in paragraph second above represents the full obligation of the County hereunder and that the County intends to apply to the State of New York for reimbursement of funds for acting as sponsor of this program.

**FIFTH:** The County hereby designates the Executive Director of the Youth Bureau as the contract supervisor herein and said supervisor shall be responsible for evaluating the services provided under this agreement by the Agency. The Agency's failure to comply with the supervisor's request to correct program deficiencies within a reasonable time shall constitute a breach of this Agreement.

**SIXTH:** The Agency agrees to maintain complete and separate fiscal accounts for the program in accordance with generally accepted accounting principals together with other records and reports of this Program. The Agency agrees to make such accounts, records and

reports available to the County upon request of the programs supervisor within 5 days of such request. The Agency agrees to allow the County to provide the New York State Office of Children & Family Services with all such accounts, records and reports if requested.

**SEVENTH:** The agency agrees that all equipment purchased with a unit cost over \$100, with a useful life of more than two years is the property of the County and upon the termination of this contract; the County may request that the equipment be returned.

**EIGHTH:** The Program run by the Agency shall be open to all children regardless of race, creed or color and shall comply with all applicable state and federal statutes, rules and regulations including freedom of information laws.

**NINTH:** The refusal of the Agency or any of its officers, directors, staff, or members, when called before a Grand Jury to testify concerning any transaction or contract had with the State of New York, any political subdivision thereof, a public authority or with any public department, agency or official, of the State of New York, or of any political subdivision thereof, or of a public authority, to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract, shall disqualify the Agency and such officer, director, staff or member thereof, from thereafter sell to or submitting bids to or receiving awards from or entering into any contract with Genesee County or any public department, agency, or official thereof, for goods, work or services for a period of five years after such refusal, and any and all contracts made with any municipal corporation or any public department, agency, or official thereof by such person, and by any firm, partnership or corporation without any liability on the part of the municipal corporation or any penalty or damages on account of such cancellation or termination.

**TENTH:** The Agency shall indemnify and hold the County harmless from all claims, demands, causes of action and judgments arising out of injury to persons or property as a result of the providing of this program by the Agency. In furtherance thereof, the Agency

Approved by unanimous vote (3-0). Voting was as follows:  
Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo    Absent  
Councilperson Bruce Stisser    Absent

At 9:00PM motion by Councilperson Klapper and seconded by Councilperson Thompson for executive session regarding Teamsters contract.

At 9:35 a motion by Councilperson Klapper and seconded by Councilperson Thompson to return to regular town board meeting.

A motion from Councilperson Thompson at 9:36 PM to adjourn the meeting, seconded by Councilperson Klapper. Voting all ayes.

Respectfully submitted,

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Sarah Kingdon  
Deputy Town Clerk