

**TOWN OF PAVILION  
REGULAR MEETING  
October 12, 2016  
7:00 P.M.**

The Town Board of the Town of Pavilion held the regular monthly meeting on October 12, 2016 at the Town Hall, One Woodrow Drive, Pavilion, New York at 7:00PM present were:

Present were: Supervisor Ted Howard  
Councilperson Dean Davis  
Councilperson Robert LaPoint  
Councilperson John Rudgers  
Councilperson Linda Thompson

Others: Town Clerk Cindy Starr, Joel Offhaus Highway Superintendent, Don Oberlin, Keith Clarke, Bryan Smart, Jesse Coots & Vicki Buell

Supervisor Howard opened the regular meeting at 7:20PM.

Councilperson LaPoint offered a motion, seconded by Councilperson Rudgers

**Resolution No. 70, 2016: Local Law #2 Override Tax Levy**

**RESOLVED:** Adoption of a Local law entitled 2-2016-Local Law to override the Tax Levy Limit Established in General Municipal Law Section 3-c.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

Councilperson LaPoint offered a motion, seconded by Councilperson Davis to approve the September 14, 2016 meeting minutes as submitted.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

Councilperson Davis offered a motion, seconded by Councilperson Thompson to approve the September 29, 2016 Special meeting minutes as submitted.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

Councilperson Davis offered a motion, seconded by Councilperson LaPoint, to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$10,400.72 T&A \$29,500.54, Library \$612.62; Sewer \$5,566.22; Highway \$11,260.91; Water \$570.07 TOTAL \$58,911.08

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

A motion was offered by Councilperson Thompson seconded by Councilperson Davis To approve monthly operating statement, bank reconciliation & clerk report.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

Highway- Highway Superintendent Joel Offhaus

- \*Mowing roadsides
- \*Gradall has been repaired

Highway-Councilperson Dean Davis

- \*Working on Highway budget
- \*Fuel tanks have been removed

Library-Councilperson Linda Thompson

- \*Back to one meeting per month now that Library Project is done.
- \*Working on budget

Code Enforcement-Councilperson John Rudgers

- \*Matt Mahaney will get a list of properties the owner that have cleaned-up properties so Supervisor Howard can send thank-you letters.
- \*At this time there is not a land separation fee, Dan Lang is working on a land separation fee schedule.

Boards-Councilperson Robert LaPoint

\*No Planning Board meeting this month

\*Comprehensive Board discussed future industrial sites.

Councilperson LaPoint offered a motion, seconded by Councilperson Davis

**Resolution No. 71, 2016: NYS Department of Transportation undertaking**

**RESOLVED:** The Town of Pavilion from time to time acquires permits from the New York State Department of Transportation to conduct activities and operation upon highways and/or within right-of-way controlled the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities.

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52,103,203 and/or 234, including the conditions that Permittee assume all responsibility for the temporary control of all modes of traffic affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and all claims, damages, losses and expenses.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

Councilperson Davis offered a motion, seconded by Councilperson LaPoint to adopt

**Resolution No. 72, 2016: 2017 Approval of Official Undertaking Bond of Tax Collector**

**RESOLVED: APPROVAL OF OFFICIAL UNDERTAKING**

For Tax Collection Officer

[The Official Undertaking/Bond must be filed with the County Clerk.]

**APPROVAL OF THE PAVILION TOWN BOARD**

We, the undersigned members of the Town Board of the Town of Pavilion, County of Genesee, State of New York, do hereby approve the attached

undertaking or bond as to its form, manner of execution, amount and sufficiency thereof, and to the sureties named thereon. Said undertaking or bond shall be conditioned that the collector of taxes shall well and truly keep, pay over and account for all moneys and property coming into her/his hands as such collector. The Town Tax Collector agrees to forward monies collected by the Tax Collector to the County of Genesee prior to reaching a balance of \$500,000.00

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
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Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

Councilperson LaPoint offered a motion, seconded by Councilperson Davis to adopt

**Resolution No. 73, 2016: Delinquent Sewer Accounts**

**RESOLVED:** The Town Clerk has prepared a list of all property owners who owe the Town for sewer service as of October 31, 2016; and  
**WHEREAS,** Section 198 (3) (d) of Town Law stipulates that such amounts owing shall be levied against the property to which the service is rendered.

**NOW, THEREFORE, BE IT RESOLVED,** that the attached list in the amount of **\$7,785.00** or as it may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2017 tax warrant

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

Councilperson Davis offered a motion, seconded by Councilperson Rudgers to adopt

**Resolution No. 74, 2016: Youth Recreation Program for 2017**

**RESOLVED:** The intention of the Pavilion Town Board to establish a Youth Recreation Program for the year 2017.

The Town Board of the Town of Pavilion is about to submit an application for such project to the New York State Division of Youth for its approval, and if approved to apply subsequently to NYS for partial reimbursement of funds expended on such project, as provided by Chapter 556 of Law of 1045,

**RESOLVED,** that such application be in all respects approved and that Theron Howard, Supervisor of the Town of Pavilion, is hereby directed and authorized to duly execute and to present such application to the NYS Division of Youth for its approval (Section 2).

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

Councilperson Thompson offered a motion, seconded by Councilperson Davis to adopt:

**Resolution No.75, 2016: Assessment Services Agreement with Town of Batavia**

**RESOVLED:** Town Board of Pavilion authorizes entering into a contact agreement with the Town of Batavia to provide assessing service personnel for the Town of Pavilion and Town of LeRoy effective October 1, 2016 ending September 30, 2017.

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

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

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

**Resolution No. 76,2016: Appoint Tax Collector**

RESOLVED: Appoint Lucinda Starr as 2017 County Tax Collector.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

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

**Resolution No. 77, 2016: Adding Hillside Drive and Hillside Drive Extension to Road Inventory**

RESOLVED: The Town of Pavilion will add Hillside Drive and Hillside Drive Extension to road inventory, acknowledging that the road appeared to be private are actually public. The Town of Pavilion accepts all legal, maintenance and repair of responsibility for the roadway. The road is located under the jurisdiction of the Town of Pavilion. Road named Hillside Drive is from Rt 19 ending at as a dead end with a length of .12 miles, Hillside Drive Extension is from Hillside Drive ending as a dead end with a length of .04 miles.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

A motion was offered by Councilperson Davis, seconded by Councilperson LaPoint

**Resolution No. 78 2016: Court Audit**

RESOLVED: Hiring of the Bonadio Group for Town of Pavilion Court audit for the year ending December 31, 2016.

Approved by unanimous vote (5-0). Voting was as follows:

Supervisor Ted Howard	Aye
Councilperson Dean Davis	Aye
Councilperson Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Linda Thompson	Aye

Jesse Coots- continues to look into the possibility of a Splash Park for the Town.

Vicki Buell- concerns how minimum wage will affect Youth/Rec program

Councilman Rudgers made a motion at 8:38PM to adjourn meeting seconded by Councilperson LaPoint. Voting all ayes.

Respectfully submitted,

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Lucinda Starr, Town Clerk