

REGULAR MEETING
November 8, 2023
TOWN OF PAVILION
7:00 P.M.

The Town Board of the Town of Pavilion held the Regular Board meeting on November 8, 2023 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
Councilperson Dean Davis

Others :Cindy Starr, James Cleveland, Ken Steinmetz & George Jinks, Karen Kingsley, Joan Gray, Jennifer Smith, Sharon Fuerch & Tim Wasiewicz.

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

Report –Highway-James Cleveland

- *Roadside mowing will be completed next week
- *Plow equipment is on the trucks
- *CHIPS paperwork submitted payment amount \$238,881.23 with payment in December

Highway-John Rudgers - no report

Sewer- Donald Oberlin – no report

Code Enforcement-James Thater

- *Zoning board will meet for a fence issue.

Water -Dean Davis - no report

Councilperson Rudgers offered a motion, seconded by Councilperson Oberlin

RESOLUTION 74, 2023: 2024 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 \$900,000.00

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Rudgers

RESOLUTION 75, 2023: 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, 2023; 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 **\$12,810.00.00**

or as it may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2024 tax warrant.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Thater offered a motion, seconded by Councilperson Davis

RESOLUTION 76, 2023: Appoint 2024 County Tax Collector

RESOLVED Appoint Lucinda Starr as 2024 County Tax collector

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Thater offered a motion, seconded by Councilperson Davis

RESOLUTION 77, 2023: Town of Bethany water debt service charge.

RESOLVED: Add Town of Bethany water debt service to 2024 county tax bill for property owner Faye Howell tax map 1.-1-2.11 in the amount of \$663.00.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Rudgers

RESOLUTION 78, 2023: Town of York water debt service charge.

RESOLVED: Add Town of York water debt service to 2024 county tax bill for property owner Gary & Joanne Graham tax map 11.-1-23 and Gary & Sharon Swede tax map 17.-1-16-21 in the amount of \$466.64 each.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers

RESOLUTION 79, 2023: Purchase Supervisor and Confidential Secretary Laptop Computers

RESOLVED: Purchase Supervisor and Confidential Secretary Laptop Computers at a cost of \$399.99 each.

Councilperson Davis offered a motion, seconded by Councilperson Oberlin

RESOLUTION 80 2023: Appoint Erica Welch to the Zoning Board of Appeals

RESOLVED: Appoint Erica Welch to the Zoning Board of Appeals term to end 12/31/2023

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Davis

RESOLUTION 81 2023: Local Law No. 3 of the year 2023

Town of Pavilion, County of Genesee

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Pavilion to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Pavilion, County of Genesee, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the

remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Oberlin

RESOLUTION 82 2023: THE TOWN BOARD OF THE TOWN OF PAVILION, NEW YORK, ACCEPTING FUNDING FROM THE AMERICAN RESCUE PLAN ACT AND EXPLAINING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024 SO AS TO APPROPRIATE THE FUNDS RECEIVED BY THE TOWN FROM THE AMERICAN RESCUE PLAN ACT

WHEREAS, on March 11, 2021, Joe Biden, the President of the United States of America signed into law the American Rescue Plan Act (ARPA) which provides financial assistance to assist in the continued relief from the impact of the Covid-19 pandemic.

and WHEREAS, approximately \$350 billion of The ARPA funding was allotted to assist the United States' state, local, tribal, and territory governments in responding to the coronavirus pandemic.

and WHEREAS, Sections 602(b) and 603(b) of the Social Security Act as added by section 9901 of the American Rescue Plan Act, Pub. L No. 117-2 (March 11, 2021) authorized the Department of the Treasury to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund,

WHEREAS, the Town has received the total of ARPA funds from the United States Department of Treasury via transfer from the State of New York in the amount of **\$241,127.48**;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF Pavilion, NEW YORK :

SECTION 1. The Town Board acknowledges the receipt of and does hereby accept the allocation of funds in the amount of **\$241,127.48** allocated to it by the ARPA; and such funds will be placed

in a special revenue fund for the purpose of tracking all approved transactional activities.

SECTION 2. The Town Board hereby allocates via the 2024 budget, \$24,000 to Water District 7 SW7-8340.4 for the purchase of water hook up infrastructure, \$24,000 to Sewer District SS5031 for the construction of a UV Filtration, and the remaining funds to the General Fund for Revenue Replacement under the terms of SLFRF Final Rule.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Rudgers

Resolution No 83, 2023: Adopt preliminary budget as final budget for 2024

WHEREAS, the Pavilion Town Board has held a Public Hearing on November 8, 2023 on the Preliminary budget for the fiscal year beginning January 01, 2024 to hear all persons present for or against any item contained in the Preliminary Budget. Be it hereby.

RESOLVED that the Town Board hereby adopt the Preliminary budget as the Final budget for the fiscal year beginning January 01, 2024.

Total budget \$2,298,465.00

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Oberlin

Resolution No 84, 2023: Transfer of ownership of Hollwedel Library

WHEREAS, the Town of Pavilion has determined that it is in the best interest of the Town for the benefit of its residents to convey certain real property owned by the Town now occupied by Hollwedel Memorial Public Library of Pavilion, NY to the library; and

WHEREAS, the Hollwedel Memorial Public Library of Pavilion, NY now occupies the real property owned by the Town which is improved by the building which houses the library; and

WHEREAS, the Town is authorized under Section 64 of Town Law to make such a conveyance to a public library located within its boundaries; and

NOW THEREFORE, the Town Board of the Town of Pavilion hereby approves the transfer of said real property to the Hollwedel Memorial Public Library of Pavilion, NY and authorizes the Supervisor to execute the necessary documents to effect said transfer.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Supervisor LaPoint offered a motion, seconded by Councilperson Davis

Resolution No 85, 2023: Stating Town Intentions for Shared Use of Green Space Around Library

Whereas, the Hollwedel Memorial Library serves the public and conducts several events throughout the year utilizing outdoor space which may spread into Town owned parcels.

Now Therefore, be it Resolved that it is the intention of the Town Board to allow the Library the right to use the green space around the library for public function provided the Library gives the town notification and any accommodations regarding the town's insurance policy or board concerns are resolved.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Thater offered a motion, seconded by Councilperson Oberlin to approve the October 11, 2023 regular meeting minutes.

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

Supervisor Robert LaPoint	Aye
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Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Davis to authorize the clerk to draw a warrant on the supervisor to pay bills. General; \$22,883.64; T&A; \$28,925.75; Sewer; \$15,829.59; Highway \$21,127.95; Water District #7 \$690.00; TOTAL; \$89,456.93

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Davis to Approve October, 2023 clerk report, operating statement & bank statements.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

At 8:15 PM Supervisor LaPoint second by Councilperson Rudgers to enter into executive session for employee issue.

At 8:42 PM Supervisor LaPoint second by Councilperson Rudgers to Close executive session and return to regular meeting.

Councilperson Davis made a motion at 8:42 PM to adjourn meeting seconded by Councilperson Thater.

Voting all ayes.

Respectfully submitted,

Lucinda Starr
Pavilion Town Clerk