

REGULAR MEETING
January 11, 2023
TOWN OF PAVILION
7:00 P.M.

The Town Board of the Town of Pavilion held the Regular Board meeting on January 11, 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, Ray & Kim Butler, Jesse & Jolene Coots.

Following pledge to the Flag, Supervisor LaPoint opened the organizational meeting at 7:00 PM. Following the close of the organizational meeting at 7:12PM Supervisor LaPoint opened the regular meeting.

Highway-James Cleveland

- *2023 Road work will be Asbury and Black St. Rd.
- *Possible FEMA money for the Christmas weekend storm
- *Reviewed equipment schedule
- *Highway crew cleaning shop going through surplus equipment.
- *North side sewer lift pump building needs to be replaced, will possible be in house project, will get supply cost.

Highway-John Rudgers-no report

Sewer- Donald Oberlin-no report

Code Enforcement-James Thater-no report

Water -Dean Davis- no report

Councilperson Rudgers offered a motion, seconded by Councilperson Thater

Resolution No 25, 2023: Surplus Equipment

RESOLVED: Authorize Town Supervisor and Highway Superintendent to palletize shop items that will be declared as surplus equipment.

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 Thater

Resolution No 26, 2023: Retail Lease Agreement for Operation of Water Districts Town of Pavilion to Monroe County Water Authority.

WHEREAS, the District and the Authority entered into a Retail Lease Agreement for Operation of Water Districts dated June 12, 2019 that is currently in effect (the “Existing Agreement”); and

WHEREAS, the Town of Pavilion is seeking United States Department of Agriculture Rural Development (USDA-RD) financing for new water districts; and

WHEREAS, the Town of Pavilion has requested an updated Agreement with the Authority to satisfy USDA-RD’s requirements; and

WHEREAS, the parties are now making this Retail Lease Agreement for the Operation of Water District (this “Agreement”) pursuant to Section 198, par. 12(b) of the Town Law of the State of New York, to replace and supersede the Existing Lease in its entirety; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

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 Rudgers

Resolution No 27 2023: Authorization to Adopt Lateral Restrictions within Water District No 7.

WHEREAS, the Town Board of the Town of Pavilion is in the process of creating Town of Pavilion Water District No. 7 pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Perry Road, South Street Road, NYS Route 63 and York Road, within the Town of Pavilion; and

WHEREAS, all or part of the land area within proposed Water District No. w is also within Genesee County Agricultural District No. 3; and

WHEREAS, the Town Board has filed a Notice of Intent to undertake an action Within an Agricultural District to evaluate the impacts of providing a source of public water supply within this area on lands within Genesee County Agricultural District No. 3; and

WHEREAS, the New York State Department of Agriculture and Markets has indicated that lateral restriction will be required to minimize potential adverse impacts that said public water supply may have on agricultural uses within said Agricultural District.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pavilion, Genesee County, New York as follows:

- 1) The Town Board, in recognition of the potential impacts to agricultural uses, hereby resolves to limit the connections to the public water supply, within those areas of Water District No. 7 that are also located within Genesee County Agricultural District No. 3, to existing non-farm uses and farm related uses.
- 2) The only land and/or structures which will be allowed to connect to the proposed waterline within an agricultural district will be existing structures at the time of construction, future agricultural structures, and structures that have already been approved for development by local governing body prior to the date of filing of the Notice of Intent by the municipality.
- 3) Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law 1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.
- 4) If a significant hardship can be shown be an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that

hardship exists relative to his or her existing water supply and clearly demonstrate the need for public water. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health and agreed to by the Department of Agriculture and Markets.

- 5) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- 6) If land is removed from a county adopted State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

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 No 28 2023: Proposal for 2022 Audit

RESOLVED: Accept 2022 audit proposal from Mengel Metzger Barr & Co. LLP in the amount of \$5995.00.

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 Thater to approve the Dec, 14 , 2022 regular board meeting and Dec 28, 2022 year end meeting minutes.

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

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

Councilperson Davis offered a motion, seconded by Councilperson Thater to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$24,073.46, T&A \$35,291.32, Sewer; \$11,571.71, Highway; \$109,278.19, Capital; \$0, Water District #7; 185.00, Water District; \$852.00

TOTAL \$181,251.68

Councilperson Oberlin offered a motion, seconded by Supervisor LaPoint to Approve Dec. 2022 operating statement, bank reconciliation & clerk report.

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 8:06PM Supervisor LaPoint made a motion second by Councilperson Rudgers to enter into executive session purpose of collective bargaining agreement.

At 8:26PM Supervisor LaPoint made a motion second by Councilperson Davis to return to regular session.

Supervisor LaPoint made a motion at 8:27PM to adjourn meeting seconded by Councilperson Thater. Voting all ayes.

Respectfully submitted,

Lucinda Starr