

**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 |
|---------------------------|-----|

|                              |     |
|------------------------------|-----|
| 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