

REGULAR MEETING

June 11, 2025

TOWN OF PAVILION

7:00 P.M.

The Town Board of the Town of Pavilion held the Regular Board meeting on June 11, 2025 at the Town Hall, One Woodrow Drive, Pavilion, New York 14525 at 7:00 pm Present were:

Supervisor James Thater

Councilperson John Rudgers Absent

Councilperson Donald Oberlin

Councilperson Dean Davis

Councilperson Kenneth Steinmetz

Others: Cindy Starr, James Cleveland, Scott Savidge, Patti Hume, Stacy Halsted, George Jinks and Sharon Fuerch

Following pledge to the Flag, Supervisor Thater opened the meeting at 7:00PM.

Highway-James Cleveland

*Dead-end sign requested on McColl Rd.

*10-Wheeler truck is done and is in Batavia will be delivered in a couple weeks.

* Updated bridge and salt building projects

*S. Lake St pump station damage from flooding

Highway-John Rudgers -no report

Sewer- Donald Oberlin

*Electrical work has started on sewer project

Code Enforcement-Kenneth Steinmetz

*Troy Williams will send permit information to Ken.

Water -Dean Davis

*Still waiting for easements to be completed

Resolution No 36, 2025: Final Order and Bond Resolution Water District #7.

WHEREAS, a written petition, in due form and containing the required signatures, has been presented to and filed in the office of the Town Clerk of the Town of Pavilion, Genesee County, New York, for the establishment of Water District No. 7 in the Town of Pavilion, Genesee County, New York, (hereinafter, “the Water District”), with improvements consist of the construction of a water distribution system, including water mains, water service laterals, fire hydrants and valves and original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in a map, plan and report on file in the Office of the Town Clerk, at a maximum estimated cost of \$2,000,000, pursuant to Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on October 6, 2021, reciting the filing of said petition, the fact that said petition was on file in the Town Clerk’s office, the improvement proposed, the boundaries of the proposed Water District and the estimated expense thereof and specifying the October 20, 2021 at Town Hall, 1 Woodrow Drive, in Pavilion, New York, in said Town, as the time and place where the Town Board would meet for the purpose of holding a public hearing to consider the petition and the question of establishing said proposed Water District, and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of such hearing was duly posted and published in the manner and within the time prescribed by Section 194 of the Town Law and proof of said publication and posting has been presented to this Town Board; and

WHEREAS, said public hearing was duly held by this Town Board at the time and place set forth in the aforesaid Order, and discussion upon the matter having been had and all persons desiring to be heard were duly heard; and

WHEREAS, the Town Board has thereafter adopted a resolution finding in the affirmative all of the determinations required by Section 194 of the Town Law and approving the establishment of said Water District in accordance with the provisions of Section 194 of the Town Law; and

WHEREAS, an application for permission to establish said Water District was filed in the office of the State Department of Audit and Control at Albany, New York, in accordance with Section 194 of the Town Law for permission to establish such Water District which permission was granted by the State Comptroller on January 2, 2024; and

WHEREAS, it is now necessary to adopt a final order establishing the District; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Pavilion, Genesee County, New York, as follows:

Section 1. The establishment of Water District No. 7 in the Town of Pavilion and the construction of the improvements proposed therefor at a maximum estimated cost of \$2,000,000 are hereby approved. Said Water District shall be bounded and described as in Exhibit A attached hereto and hereby determined to be a part hereof. The method of financing the cost of said improvements shall be by the issuance of serial bonds of said Town maturing in annual installments over a period not exceeding forty years, such bonds to be payable from assessments levied upon and collected from the several lots and parcels of land in the manner provided by law, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Section 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Genesee County and filed in the office of the State Department of Audit and Control at Albany, New York, in the manner and within the time prescribed by Section 195(1) of the Town Law, being within ten days of adoption of this Order.

Section 3. This Order shall take effect immediately.

The question of the adoption of the forging order was duly put to a vote on roll call, which resulted as follows:

Approved by unanimous vote (4-0). Voting was as follows:

| | |
|---------------------------------|--------|
| Supervisor James Thater | Aye |
| Councilperson John Rudgers | Absent |
| Councilperson Donald Oberlin | Aye |
| Councilperson Dean Davis | Aye |
| Councilperson Kenneth Steinmetz | Aye |

Resolution No 37, 2025: A BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,000,000 SERIAL BONDS OF THE TOWN OF PAVILION, GENESEE COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF WATER DISTRICT NO. 7, IN SAID TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12 of the Town Law, the Town Board of the Town of Pavilion, Genesee County, New York, has established Water District No. 7 in the Town of Pavilion (the “District”); and

WHEREAS, the improvements proposed for the establishment of said District consists of the construction of a water distribution system, including water mains, water service laterals, fire hydrants and valves and original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in a map, plan and report on file in the Office of the Town Clerk; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$2,000,000; and

WHEREAS, said capital project has been determined to be a Type I Action, with a Negative Declaration pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), the implementation of which as proposed, it has been determined will not result in any significant environmental adverse impact; and

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described have been performed; and

WHEREAS, it is now desired to authorize the financing of the improvements for such District; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Pavilion, Genesee County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the improvements for the establishment of Water District No. 7 in the Town of Pavilion, consisting of the construction of a water distribution system, including water mains, water service laterals, fire hydrants and valves and original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$2,000,000 serial bonds of the Town of Pavilion, Genesee County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is \$2,000,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof shall consist of the issuance of the \$2,000,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 40 years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Pavilion, Genesee County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon and collected from the several lots and parcels of land within said District determined to be especially benefitted thereby, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of the Town, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Pavilion, Genesee County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by

the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Town Board.

Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Approved by unanimous vote (4-0). Voting was as follows:

Supervisor James Thater Aye

Councilperson John Rudgers Absent
Councilperson Donald Oberlin Aye
Councilperson Dean Davis Aye
Councilperson Kenneth Steinmetz Aye
The Order was thereupon declared duly adopted

Supervisor Thater offered a motion, seconded by Councilperson Davis

Resolution No 38, 2025: Resignation of Town Clerk Lucinda Starr

RESOLVED: Accept resignation of Town Clerk Lucinda Starr effective July 1, 2025.

Approved by unanimous vote (4-0). Voting was as follows:

Supervisor James Thater Aye
Councilperson John Rudgers Absent
Councilperson Donald Oberlin Aye
Councilperson Dean Davis Aye
Councilperson Kenneth Steinmetz Aye

Supervisor Thater offered a motion, seconded by Councilperson Steinmetz

Resolution No 39, 2025: Appoint Stacy Halsted as Town Clerk

RESOLVED: Appoint Stacy Halsted as Town Clerk effective July 1, 2025.

Approved by unanimous vote (4-0). Voting was as follows:

Supervisor James Thater Aye
Councilperson John Rudgers Absent
Councilperson Donald Oberlin Aye
Councilperson Dean Davis Aye
Councilperson Kenneth Steinmetz Aye

Councilperson Steinmetz offered a motion, seconded by Supervisor Thater

Resolution No 40, 2025: Budget Transfers

RESOLVED: Transfer the follow:

| <u>GENERAL FUN-TOWN WIDE</u> | | |
|------------------------------|-----------------------|---------------------------|
| Transfer From: A1990.4 | Contingency | <u>\$ 1,992.00</u> |
| | TOTAL: | <u><u>\$ 1992.00</u></u> |
| Transfer To: A1410.1A | Deputy Town Clerk Svc | \$1,090.00 |
| A1410.2 | Clerk Equipment | <u>\$ 902.00</u> |
| | TOTAL | <u><u>\$ 1,992.00</u></u> |

Approved by unanimous vote (4-0). Voting was as follows:

| | |
|---------------------------------|--------|
| Supervisor James Thater | Aye |
| Councilperson John Rudgers | Absent |
| Councilperson Donald Oberlin | Aye |
| Councilperson Dean Davis | Aye |
| Councilperson Kenneth Steinmetz | Aye |

Councilperson Davis offered a motion, seconded by Councilperson Oberlin to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$13,573.41, T&A \$30,708.65; Sewer; \$25,158.01 Highway; \$163,182.62, Water \$2,284.80, Capital: \$0

TOTAL \$234,907.49

Approved by unanimous vote (4-0). Voting was as follows:

| | |
|---------------------------------|--------|
| Supervisor James Thater | Aye |
| Councilperson John Rudgers | Absent |
| Councilperson Donald Oberlin | Aye |
| Councilperson Dean Davis | Aye |
| Councilperson Kenneth Steinmetz | Aye |

Councilperson Steinmetz offered a motion, seconded by Supervisor Thater to Approve May 2025 operating statement, bank reconciliation & clerk report.

Approved by unanimous vote (4-0). Voting was as follows:

| | |
|---------------------------------|--------|
| Supervisor James Thater | Aye |
| Councilperson John Rudgers | Absent |
| Councilperson Donald Oberlin | Aye |
| Councilperson Dean Davis | Aye |
| Councilperson Kenneth Steinmetz | Aye |

Supervisor Thater made a motion at 8:00 PM to adjourn the meeting seconded by Councilperson Oberlin. Voting all ayes.

Respectfully submitted,

Lucinda Starr

