

**REGULAR MEETING**  
**October 9, 2024**  
**TOWN OF PAVILION**  
**7:00 P.M.**

The Town Board of the Town of Pavilion held the Regular Board meeting on October 9, 2024 at the Town Hall, One Woodrow Drive, Pavilion, New York 14525 at 7:00 pm Present were:

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

Others: Cindy Starr, James Cleveland, Marcia White & George Jinks,

Following pledge to the Flag, Supervisor Thater opened the meeting at 7:04PM.

At 7:04PM Public Hearing meeting was called to order.

Councilperson Rudgers offered a motion, seconded by Councilperson Davis to close the Public Hearing at 7:45PM.

Highway-James Cleveland

- \*Road shoulders on Black St and Cobb Rd are complete.
- \*Meeting with Genesee County Soil & Water to close out the Pavilion Center Rd culvert project, also secured funding for Woodrow Drive bridge replacement.
- \*Fall road side mowing has started.

Highway-John Rudgers-No Report

Sewer- Donald Oberlin-No Report

Code Enforcement-Kenneth Steinmetz

- \*Shephard Rd Solar Farm Project decommission bond has been reviewed and approved by Town Attorney Mark Boylan.

Water -Dean Davis

- \*Construction plans completed and sent to Monroe County Water Authority.

Councilperson Steinmetz offered a motion, seconded by Councilperson Davis

**Resolution No 58, 2024: Adopt 2025 Preliminary Budget**

**RESOLVED:** Adopting of 2025 Preliminary Budget.

Approved by unanimous vote (50). Voting was as follows:

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

Councilperson Davis offered a motion, seconded by Councilperson Oberlin

**RESOLUTION 59, 2024: 2025 Public Hearing to Break Tax Cap**

**RESOLVED:** Public Hearing November 6, 2024 @ 7:00PM the purpose for Local Law #2, 2024 to break 2025 tax cap.

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

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

Councilperson Rudgers offered a motion, seconded by Councilperson Davis

**RESOLUTION 60, 2024: 2025 Budget Public Hearing Date**

**RESOLVED:** Public Hearing for the 2025 Budget will be November 6, 2024 @ 8:00 PM.

Councilperson Oberlin offered a motion, seconded by Councilperson Davis

**RESOLUTION 61, 2024: Budget Transfers**

**RESOLVED:** Transfer the following :

GENERAL FUND TOWN WIDE

Transfer from: A1990.4	Contingency	\$	<u>27,221.00</u>
		TOTAL \$	<u>27,221.00</u>

Transfer to:	A1165.4	District Attorney Cont.	\$	750.00
	A1220.4	Supervisor Cont.	\$	376.00
	A1410.1A	Deputy Town Clerk Svc.	\$	900.00
	A 1620.4	Buildings Contr. Expend	\$	23,500.00
	A8350.4	Common Water Supply Contr	\$	1,166.00
	A8510.4	Comm Beautification Contr.	\$	232.00
	A8810.4	Cemeteries Contr.	\$	<u>297.00</u>
		TOTAL	\$	<u>27,221.00</u>

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

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

Councilperson Davis offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 62, 2024: Equipment Reserve Transfers**

**RESOLVED:** Transfer from equipment reserve fund to DA5130.2 Machinery Equipment in the amount of \$149,684.00.

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

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

Councilperson Steinmetz offered a motion, seconded by Supervisor Thater

**RESOLUTION 63, 2024: Increase and Improvement of Facilities of Sewer District No.1 in the Town of Pavilion, Genesee County, New York.**

**RESOLVED:** WHEREAS, by proceedings heretofore had and taken, the Town Board of the Town of Pavilion, Genesee County, New York, authorized an increase and improvement of the facilities of Sewer District No. 1, consisting of the construction of a disinfection system at the wastewater treatment plant, including pump station, filter system, ultra-violet disinfection system and original furnishings, equipment, machinery, apparatus, appurtenances and incidental

improvements and expenses in connection therewith, at a maximum estimated cost of \$741,000; and

WHEREAS, by Order dated September 25, 2024, said Town Board called a public hearing on the question of the increase in the maximum estimated cost of said project from \$741,000 to \$950,000, an increase of \$209,000; and

WHEREAS, notice of said public hearing was duly published and posted in the manner and within the time provided by law and such public hearing was duly held at the time and place specified in said notice at which all persons interested in the subject matter thereof were duly heard; and

WHEREAS, said Town Board has duly considered the evidence given at said public hearing; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is necessary and in the public interest to increase and improve the facilities of Sewer District No. 1, in the Town of Pavilion, Genesee County, New York, in the manner described in the preambles hereof, at a new maximum estimated cost of \$950,000, and said increase and improvement is hereby authorized and approved.

Section 2. This Order shall take effect immediately.

Approved by vote (4-1). Voting was as follows:

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

Councilperson Steinmetz offered a motion, seconded by Councilperson Oberlin

**RESOLUTION 64, 2024:** A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$209,000 BONDS OF THE TOWN OF PAVILION, GENESEE COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE SEWER DISTRICT NO. 1 IN AND FOR SAID TOWN.

WHEREAS, the Town Board of the Town of Pavilion, Genesee County, New York, on November 3<sup>rd</sup>, 2021, duly adopted a bond resolution authorizing the issuance of \$741,000 serial bonds of said Town to pay the cost of the increase and improvement of Sewer District No. 1, in and for the Town of Pavilion, Genesee County, New York, consisting of the construction of a disinfection system at the wastewater treatment plant, including pump station, filter system,

ultra-violet disinfection system and original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith; and

WHEREAS, said capital project has been determined to be a “Type I Action” pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have any significant adverse impacts on the environment; and

WHEREAS, it has now been determined that the maximum estimated cost of such class of objects or purposes is \$950,000, an increase of \$209,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$209,000 bonds of said Town for such specific object or purpose to pay a portion of the cost thereof;

NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Pavilion, Genesee County, New York, as follows: Section 1. For the specific object or purpose of paying additional costs of the increase and improvement of Sewer District No. 1, in and for said Town of Pavilion, Genesee County, New York, consisting of the construction of a disinfection system at the wastewater treatment plant, including pump station, filter system, ultra-violet disinfection system and original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$209,000 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 class of objects or purposes is now determined to be \$950,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$741,000 bonds of said Town authorized to be issued pursuant to bond resolution dated and duly adopted November \_\_\_ [3, 10, or 19?], 2021, which bond resolution date of adoption is hereby confirmed, and said bond resolution is hereby readopted, with the reduction in authorized bonds by grants received provision hereby eliminated; and
- b) by the issuance of the additional \$209,000 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 forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first obligations for said class of objects or purposes. It is hereby determined that the maximum maturity of the bonds herein authorized and authorized by bond resolution dated and duly adopted November \_\_\_, 2021 shall exceed five years.

Section 4. 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 obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable

in such year. To the extent not paid from monies raised in said Sewer District No. 1 in the manner provided by law, there shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. 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. 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 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 said officer shall deem best for the interests of said Town; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, said officer 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. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, in such officer's discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation 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 object or purpose described in Section 1 hereof, or a portion thereof, by a 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 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 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 11. 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 12. This resolution, which takes effect immediately, or a summary thereof, 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 vote (4-1). Voting was as follows:

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

Councilperson Oberlin offered a motion, seconded by Councilperson Davis to approve the September 11, 2024 regular meeting and September 25, 2024 Special meeting minutes.

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

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

Councilperson Davis offered a motion, seconded by Councilperson Steinmetz to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$45,295.12 T&A \$29,930.03; Sewer; \$9,927.84, Highway; \$48,447.80, Water; \$6,844.64 , Capital; 00

TOTAL \$140,445.43

Councilperson Davis offered a motion, seconded by Councilperson Steinmetz to Approve Spetember 2024 operating statement, bank reconciliation & clerk report.

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

Supervisor James Thater	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye

Councilperson Dean Davis      Aye  
Councilperson Kenneth Steinmetz      Aye

Supervisor Thater made a motion at 8:23PM to adjourn the meeting seconded by Councilperson Oberlin  
Voting all ayes.

Respectfully submitted,

Lucinda Starr

