

REGULAR MEETING

October 8, 2025

TOWN OF PAVILION

7:00 P.M.

The Town Board of the Town of Pavilion held the Regular Board meeting on October 8, 2025 at the Town Hall, One Woodrow Drive, Pavilion, New York 14525 at 7:00 pm:

Supervisor James Thater-Present

Councilperson John Rudgers- Absent

Councilperson Donald Oberlin-Present

Councilperson Dean Davis-Absent

Councilperson Kenneth Steinmetz-Present

Others: Stacy Halsted, James Cleveland, Lee Brooks, George Jinks, Sharon Fuerett, Rob Wellman

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

REPORTS:

Highway James Cleveland:

- East Park Street paving wrapping up, working on Hamlet more next year
- Roadside mowing 30-40 % complete
- Funding from soil & water for salt building along with county bridge project reimbursement should be coming within the next couple weeks
- Auction for surplus equipment starting tomorrow, ending Oct 27th: will update with bids next meeting

Highway John Rudgers:

- (Absent) No Report

Sewer Donald Oberlin:

- Per James Cleveland: UV Improvement project ongoing; rough framing complete & equipment has been signed off on

Code Enforcement-Kenneth Steinmetz:

- Land separation applications, Heidelberg slag silo addition application, and repair garage at t-town approval, October 15th public hearings Heidelberg applications
- New 2025 codes take affect January 1st

Water -Dean Davis

- Regarding WD7, per MRB waiting on MCWA & USDA unsure of timeframe to start bidding due to government shutdown
- New water district projects still on hold at county level

OLD BUSINESS:

- Town Court Moving Locations: Per Jim: talking with Stafford at their next board meeting
- .gov transition

Discussion about having Seth Graham Design LLC redesign website

Supervisor Thater offered a motion, seconded by Councilperson Oberlin

Resolution 61, 2025: To have Seth Graham Design LLC redesign website

RESOLVED:

Approved by unanimous vote (3-0). Voting was as follows:

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

NEW BUSINESS:

- Councilperson Steinmetz offered a motion, seconded by Councilperson Oberlin

Resolution 55, 2025: Approve Assessment Agreement with Batavia

TOWNS OF BATAVIA AND PAVILION ASSESSMENT SERVICES AGREEMENT

THIS AGREEMENT, made this 8th day of October 2025 by and between the TOWN OF PAVILION, a municipal corporation with offices at 1 Woodrow Drive, Pavilion, New York 14525, (“Pavilion”) and the TOWN OF BATAVIA, a municipal corporation with offices at 3833 West Main Road, Batavia, NY 14020 (“Batavia”),

WHEREAS, pursuant to article 5-G of the General Municipal Law, Pavilion and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of tax assessment services, and WHEREAS, Batavia employs a fully qualified Assessor to provide all assessment services by law, and WHEREAS, Batavia intends to continue to maintain the position of Assessor and to provide any support staff necessary to assist her/him to perform assessment services in both the Town of Batavia and the Town of Pavilion.

NOW THEREFORE, BE IT RESOLVED, pursuant to Article 5-G of the General Municipal Law, it is agreed as follows: 1. Batavia agrees to provide assessment services to Pavilion and shall provide a qualified individual to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services. 2. In consideration and for the compensation for the services set forth herein, Pavilion shall pay to Batavia the total sum of eighteen thousand, three hundred dollars (\$18,300.00). This sum shall be paid in two equal installments of nine thousand, one hundred, fifty dollars (\$9,150.00). The first payment due on or before March 1, 2026 and the second payment due on or before September 1, 2026. 3. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Pavilion and in Batavia for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units. 4. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same. 5. The Assessor shall for all compensation purposes only, be deemed an employee of Batavia and Batavia shall pay the Assessor's salary and make employer's contributions for retirement, social security, health insurance, workers' compensation, unemployment, and other similar benefits. 6. The Assessor shall be deemed an employee, agent and/or representative of Pavilion regarding liability and any and all other issues resulting from actions performed as the Pavilion Assessor. 7. This Agreement does not include attorney services and Pavilion shall provide and pay for all attorney fees and expenses in its jurisdiction. 8. Each party shall indemnify, defend, and hold the other and their officers, employees and agents, and their respective successors and assigns harmless from and against all claims, damages, demands, losses, expenses, fines, causes of action, suits or other liabilities, (including all costs, reasonable attorney's fees, consequential damages, and punitive damages), arising out of or from, or alleged to arise out of or arise from, the performance of the terms and conditions of this Agreement by either party or by any of either party's subcontractors, regardless of whether such claim, damage, demand, loss, expense, fine, cause of action, suit or other liability is attributable to bodily injury, personal injury, sickness, disease or death, or injury to or destruction of tangible property, including the loss of use resulting therefrom; but only to the

extent attributable to the respective and comparative negligence or intentional misconduct of each respective party or any entity for which each party is legally responsible. This indemnity applies regardless of whether the claim is presented by an employee of either party and shall not be limited in any way by any limitation on the amount of or type of damages, compensation or benefits payable by or for each party under any Workers' Compensation acts, disability benefits acts or other employee benefits acts. 9. Each party warrants that it will respectively maintain at its sole expense the insurance policies identified and required pursuant to EXHIBIT A, annexed hereto and made a part hereof, for the conduct of the respective officers, employees, or agents of each party related to the services provided pursuant to this Agreement, that shall be secured from a company in good standing rated A- or better by A.M. Best that is licensed to do business in the State of New York. By mutual agreement in writing, the parties may waive or modify any insurance policy requirements and/or any limits thereof. 10. This Agreement shall become effective on October 18, 2025, and expire on October 17, 2026, with an option for either municipality to terminate this Agreement upon a ninety (90) day prior written notice to the other municipality. 11. There are no other agreements or understandings, either oral or written, between the parties affecting this Agreement. No changes, additions or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

RESOLVED:

Approved by unanimous vote (3-0). Voting was as follows:

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

- Councilperson Steinmetz offered a motion, seconded by Councilperson Oberlin

Resolution 56, 2025: County Solar Agreement for Opposing Large-Scale Solar Projects

RESOLUTION OPPOSING LARGE-SCALE SOLAR PROJECTS THAT OVERRIDE LOCAL LAND USE AUTHORITY AND IMPACT AGRICULTURAL LAND IN GENESEE COUNTY

WHEREAS, current and planned large-scale solar energy projects are significantly altering land use patterns and the rural character of Genesee and surrounding Counties; and

WHEREAS, Genesee County, as New York State's fourth largest agricultural producer, has already experienced the conversion of a substantial portion of its farmland to industrial-scale solar energy infrastructure; and

WHEREAS, this accelerating trend results in the permanent loss of prime agricultural land, placing long-term food production capacity, rural economic stability, and environmental stewardship at increasing risk; and

WHEREAS, developers of large-scale solar projects frequently seek waivers from the State of New York in order to bypass County, City, Town, and Village comprehensive plans, zoning laws, and other locally enacted land use regulations, including those adopted in accordance with New York State Town Law and other applicable statutes, meaning such projects often cannot proceed without overriding or circumventing local legal authority; and

WHEREAS, these projects are consistently sited on highly productive farmland that has historically supported the local economy, food security, and the rural heritage of the region; and

WHEREAS, the conversion of such land to industrial energy production represents an irreversible loss of valuable agricultural resources; and

WHEREAS, the use of state level siting mechanisms to override or circumvent local laws and planning documents, including comprehensive and agricultural protection plans, effectively strips municipalities and residents of their right to self-determination in land use matters; and

WHEREAS, such actions undermine the authority of local governments and erode the principle of "home rule," threatening democratic participation and the ability of communities to plan for their own futures; and

WHEREAS, Article XIV, Section 4 of the New York State Constitution declares that it is a State policy to conserve, protect, and encourage agricultural lands, mandating the legislature create adequate protections for agricultural lands, and

WHEREAS, [Municipalities] have an interest in application of Article 25-AA of the New York State Agriculture and Markets Law, which states:

Declaration of legislative findings and intent . . . the declared policy of the state [is] to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products. It is also the declared policy of the state to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.

The constitution of the state of New York directs the legislature to provide for the protection of agricultural lands. It is the purpose of this article to provide a locally initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance.

NOW, THEREFORE, BE IT RESOLVED, that [Municipality] formally opposes any and all large-scale solar projects that override or disregard local land use policies, zoning regulations, and comprehensive plans;

BE IT FURTHER RESOLVED, that this opposition is based on the projects' clear and irreversible harm to agricultural lands, their circumvention of local laws, and the broader threat they pose to the integrity and autonomy of municipal planning authority in Genesee County;

BE IT FURTHER RESOLVED , that [Municipality] supports legislative efforts to restrict the development of large scale solar projects on prime soils and soils of Statewide significance, and demands that the Farmland Protection Working Group created by the Renewable citing law be immediately convened to address the issue of the loss of a critical mass of farmland in Genesee County,

BE IT FINALLY RESOLVED, that [Municipality] joins with Genesee County in demanding that all current and future solar energy projects comply fully with all applicable local laws, zoning ordinances, and adopted land use plans; and further urges the State of New York to uphold the principles of home rule as guaranteed by Article IX of the New York State Constitution, affirming the right of local governments to control land use and development within their jurisdictions.

Adopted this 8th day of October , 2025 by *Town of Pavilion*

RESOLVED:

Approved by unanimous vote (3-0). Voting was as follows:

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

- Supervisor Thater offered a motion, seconded by Councilperson Steinmetz

Resolution 57, 2025: Adopt Preliminary 2026 Budget

RESOLVED: Adoption of Preliminary 2026 Budget

Approved by unanimous vote (3-0). Voting was as follows:

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

- Supervisor Thater offered a motion, seconded by Councilperson Steinmetz

Resolution 58, 2025: Changing of 2025 November regular meeting date and time

RESOLVED: 2025 November regular meeting changed to November 5th, 2025 at 7 PM

Approved by unanimous vote (3-0). Voting was as follows:

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

- Supervisor Thater offered a motion, seconded by Councilperson Steinmetz

Resolution 59, 2025: Set Public Hearing for 2026 Budget

RESOLVED: 2026 Public Hearing for 2026 Budget set to November 5th, 2025 at 7 PM

Approved by unanimous vote (3-0). Voting was as follows:

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

- Councilperson Steinmetz offered a motion, seconded by Councilperson Oberlin

Resolution 60, 2025: Set Christmas Tree Price Sale price to \$55

RESOLVED: Christmas Tree Price for 2025 will be \$55 with a maximum limit of 60

Approved by unanimous vote (3-0). Voting was as follows:

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

Information:

- Don Brooks Retirement: Discussion about making certificate and passing a resolution to honor his years of service
- Compliments were made to Highway Department

Approvals:

- Councilperson Steinmetz offered a motion, seconded by Councilperson Oberlin

Approve September 2025 Regular meeting minutes.

RESOLVED: September 2025 Regular Meeting minutes approved

Approved by unanimous vote (3-0). Voting was as follows:

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

- Councilperson Oberlin offered a motion, seconded by Councilperson Steinmetz

Authorization for clerk to draw a warrant on the supervisor to pay bills and to approve the September 2025 operating statement, bank reconciliation & clerk report.

T&A TOTAL: \$ 19,495.48

General \$20,195.45

Sewer: \$7879.18

Highway: \$169,114.78

Water \$27,215.63

Capital: \$6,081.01

TOTAL \$231,220.81

Approved by unanimous vote (3-0). Voting was as follows:

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

Supervisor Thater made a motion at 7:47 PM to adjourn the meeting seconded by Councilperson Steinmetz. Voting all ayes.

Respectfully submitted,

Stacy Halsted

Town Clerk