

REGULAR MEETING
November 6, 2024
TOWN OF PAVILION
7:00 P.M.

The Town Board of the Town of Pavilion held the Regular Board meeting on November 6, 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,

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

At 7:00PM Public Hearing meeting for Local Law #2 breaking Tax Cap was called to order.

At 7:45 Public Hearing for 2025 Budget was called to order

At 7:45 Councilperson Steinmetz offered a motion, seconded by Councilperson Oberlin to close the Local Law #2 breaking tax cap Public Hearing.

At 8:13 Supervisor Thater offered a motion, seconded by Councilperson Davis to close 2025 Budget Public Hearing.

Highway-James Cleveland

*Fall mowing completed.

*2000 T of road salt has been donated to the Town.

*Meeting with Genesee County on Woodrow Drive bridge project .

Highway-John Rudgers

Sewer- Donald Oberlin-No Report

Code Enforcement-Kenneth Steinmetz

*Code Enforcement Officer working on a complaint.

Water -Dean Davis-No Report

Supervisor Thater offered a motion, seconded by Councilperson Steinmetz

RESOLUTION 65, 2024: 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, Joseph Biden the President of the United States of America signed into law the America 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, Section 602(b) and 603(b) of the Social Security Act as added by section 9901 if the American Rescue Plan Act, Pub I. 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 Department of Treasury via transfer from the State of New York in the amount of \$241,127.46;

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 tracing all approved transactional activities.

SECTION 2. The Town Board hereby allocates via the 2025 budget, the remaining \$14,971.48 plus interest to A1620.4 Building Contractual.

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 Rudgers offered a motion, seconded by Councilperson Oberlin

RESOLUTION 66, 2024: Transfer of Funds

RESOLVED: Transfer \$30,000.00 from General Fund to Highway fund DA 5110.4, Pavilion Center Rd, culvert project.

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 Steinmetz offered a motion, seconded by Councilperson Rudgers

**RESOLUTION 67, 2024: 2025 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 money 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 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 Rudgers offered a motion, seconded by Councilperson Steinmetz

RESOLUTION 68, 2024: 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, 2024; 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 **\$13,185.00** or as it may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2025 tax warrant.

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 offered a motion, seconded by Councilperson Oberlin

RESOLUTION 69, 2024: Appoint 2025 County Tax Collector

RESOLVED Appoint Lucinda Starr as 2025 County Tax collector

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 Rudgers offered a motion, seconded by Councilperson Steinmetz

RESOLUTION 70, 2024: Town of York water debt service charge.

RESOLVED: Add Town of York water debt service to 2025 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 \$460.97each.

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

RESOLUTION 71, 2024: Town of Bethany water debt service charge.

RESOLVED: Add Town of Bethany water debt service to 2025 county tax bill for property owner Faye Howell tax map 1.-1-2.11 in the amount of \$663.00.

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

RESOLUTION 72, 2024: Local Law No. 2 of the year 2024

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, 2025 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 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 Oberlin

RESOLUTION 73, 2024: Adopt preliminary budget as final budget for 2025

WHEREAS, the Pavilion Town Board has held a Public Hearing on November 6, 2024 on the Preliminary budget for the fiscal year beginning January 01, 2025 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, 2025.

Total budget \$2,182,383.00

Councilperson Davis offered a motion, seconded by Councilperson Oberlin

RESOLUTION 74, 2024: Special Meeting

RESOLVED: Special meeting on November 20, 2024 at 7:00PM, purpose to open bids for sewer disinfection project.

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 Rudgers to approve the October 9, 2024 regular meeting and public hearing minutes.

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 Supervisor Thater to authorize the clerk to draw a warrant on the supervisor to pay bills. General; \$21,858.47; T&A; \$30,389.23; Sewer; \$17,776.93; Highway \$13,080.50; Water District #7 \$7,795.03; Capital: \$25,715.63; TOTAL; \$ 116,615.79

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 Supervisor Thater to Approve October, 2024 clerk report, operating statement & bank statements.

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 made a motion at 8:20 PM to adjourn meeting seconded by Supervisor Thater.

Voting all ayes.

Respectfully submitted,

Lucinda Starr
Pavilion Town Clerk