

**SPECIAL MEETING
November 19, 2021
TOWN OF PAVILION
4:00 P.M.**

The Town Board of the Town of Pavilion held the Regular Board meeting on November 19, 2021 at the Town Hall, One Woodrow Drive, Pavilion, New York 14525 at 4:00 pm Present were:

Supervisor Robert LaPoint
Councilperson John Rudgers
Councilperson Donald Oberlin
Councilperson James Thater
Councilperson Mark Heineman Absent

Others: Cindy Starr

Following pledge to the Flag, Supervisor LaPoint opened the meeting at 4:00 PM

Supervisor LaPoint offered a motion, seconded by Councilperson Rudgers

RESOLUTION 109, 2021: Proposed Improvement of the Facilities of Sewer District No. 1 in the Town of Pavilion, Genesee County, New York PUBLIC INTEREST ORDER

WHEREAS, the Town Board of the Town of Pavilion, Genesee County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed improvement of the facilities of Sewer District No. 1 (“Sewer District No. 1”), in 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, 4153-5038-1617 V.1 equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith at a maximum estimated cost of \$741,000; and WHEREAS, at a meeting of said Town Board duly called and held on October 13, 2021, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of Sewer District No. 1 in said Town at a maximum estimated cost of \$741,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Pavilion, New York, in said Town, on November 3, 2021, at 7:00 o’clock P.M., Prevailing Time; and WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and WHEREAS, a public hearing was duly held at the time and place set forth in said notice,

at which all persons desiring to be heard were duly heard; 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 in the public interest to make the improvement, to increase and improve the facilities of Sewer District No. 1 in 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, at a maximum estimated cost to the District of \$741,000. Section 2. This order shall take effect immediately. 4153-5038-1617 V.1 The question of the adoption of the foregoing order was duly put to a vote on roll.

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

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| Supervisor Robert LaPoint | Aye |
| Councilperson John Rudgers | Aye |
| Councilperson Donald Oberlin | Aye |
| Councilperson Mark Heineman | Absent |
| Councilperson James Thater | Aye |

Supervisor LaPoint offered a motion, seconded by Councilperson Rudgers

RESOLUTION 110, 2021: A RESOLUTION AUTHORIZING THE ISSUANCE OF \$741,000 SERIAL BONDS OF THE TOWN OF PAVILION, GENESEE COUNTY, NEW YORK, TO PAY COSTS IN CONNECTION WITH THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF SEWER DISTRICT NO. 1 IN THE TOWN OF PAVILION, GENESEE COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated November 3, 2021, said Town Board has determined it to be in the public interest to increase the facilities of Sewer District No. 1 in the Town of Pavilion, Genesee County, New York, at a maximum estimated cost to the District of \$741,000; and WHEREAS, it is now desired to provide funding for such capital project; 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 increase and improvement of the facilities of Sewer District No. 1 in 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, there are hereby authorized to be issued \$741,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law. Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$741,000, which specific object or purpose is hereby

authorized to 4153-5038-1617 V.1 said maximum estimated cost and that the plan for the financing thereof is by the issuance of the \$741,000 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 forty years, pursuant to subdivision 4 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. 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 other sources, there shall be annually assessed upon all the taxable real property within said Sewer District No. 1 in the manner provided by law 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 sufficient to pay the principal of and interest on said bonds as the same shall become due. 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, 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. 4153-5038-1617 V.1 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 he 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, 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. All other matters except as provided herein relating to the 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 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, at his sole 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 4153-5038-1617 V.1 the specific 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. 4153-5038-1617 V.1 Section 12. This resolution which takes effect immediately shall be published in summary in the official newspaper of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

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

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| Supervisor Robert LaPoint | Aye |
| Councilperson John Rudgers | Aye |
| Councilperson Donald Oberlin | Aye |
| Councilperson Mark Heineman | Absent |
| Councilperson James Thater | Aye |

Supervisor LaPoint made a motion at 4:15PM to adjourn meeting seconded by Councilperson Thater.

Voting all ayes.

Respectfully submitted,

Lucinda Starr
Pavilion Town Clerk