

**TOWN OF PAVILION  
SPECIAL MEETING  
February 25, 2015  
7:00 P.M.**

The Town Board of the Town of Pavilion held the special meeting on February 25, 2015 at the Town Hall, One Woodrow Drive, Pavilion, New York at 7:00PM present were:

Supervisor Theron Howard  
Councilperson Thomas Klapper  
Councilperson Linda Thompson  
Councilperson Ron Zarbo  
Councilperson Dean Davis

Others: Town Clerk Cindy Starr, James Cleveland, Daniel Lang, Joe McIlroy & Todd Hamula.

Supervisor Howard continued with the Dollar General Public Hearing. A letter was added from Bob and Donna Fox in favor of Dollar General. There was know further discussion from the floor.

Councilperson Davis offered a motion to close the public hearings at 7:05 P.M., seconded by Councilperson Zarbo. Voting was as follows:

Supervisor Howard	Aye
Councilperson Zarbo	Aye
Councilperson Davis	Aye
Councilperson Klapper	Aye
Councilperson Thompson	Aye

Supervisor Howard called special board meeting to order at 7:06 PM

Councilperson Klapper offered a motion, seconded by Councilperson Davis

**Resolution No 34, 2015:** Amending Zoning Ordinance zone Residential to Commercial

**Whereas**, the Pavilion Town Board received a request from Patricia McIlroy/ Zeremba Program Development LLC/ Dollar General to rezone a portion of a parcel located at Big Tree Rd. identified as tax map 16.-2-24.1 from Residential to Commercial. Said parcel legal description is as follows:

ALL THAT TRACT OR PARCEL OF LAND SITUATED IN THE TOWN OF PAVILION, COUNTY OF GENESEE AND STATE OF NEW YORK, BEING PART OF LOT 9, SECTION 3 OF THE CRAIGIE TRACT BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY HIGHWAY LINE OF N.Y.S. ROUTE 63 (SH 923), SAID POINT BEING 70.00 FEET NORTHEASTERLY AT RIGHT ANGLES TO CENTERLINE STATION 20+67.38, SAID CENTERLINE STATION BEING 1431.80± FEET NORTHWESTERLY OF THE INTERSECTION OF THE CENTERLINE OF N.Y.S. ROUTE 63 WITH THE CENTERLINE OF PERRY ROAD. SAID POINT OF BEGINNING ALSO BEING THE SAME AS THE NORTHWESTERLY CORNER OF A PARCEL OF LAND NOW OR FORMERLY OF SWEDE REALTY, LP AS DESCRIBED IN LIBER 883 OF DEEDS, PAGE 323; THENCE: NORTH 45° 24' 15" WEST, FOR A DISTANCE OF 434.00 FEET ALONG THE EASTERLY LINE OF N.Y.S. ROUTE 63 TO A POINT; THENCE: NORTH 44° 35' 45" EAST, FOR A DISTANCE OF 217.65 FEET TO A POINT; THENCE: SOUTH 45° 24' 15" EAST, FOR A DISTANCE OF 226.47 FEET TO A POINT IN THE EASTERLY LINE OF LOT 9, SECTION 3 OF THE CRAIGIE TRACT; THENCE: SOUTH 00° 57' 33" WEST, ALONG THE EASTERLY LINE OF LOT 9, SECTION 3 OF THE CRAIGIE TRACT, FOR A DISTANCE OF 300.73 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING THEREIN 1.650 ACRES OF LAND. INTENDING TO CONVEY A PARCEL OF LAND WITH 434.00 FEET OF FRONTAGE ALONG N.Y.S. ROUTE 63 AND A DEPTH OF 217.65 FEET WITH A REAR LINE PARALLEL TO THE HIGHWAY.

**Whereas**, Patricia Mcllroy/ Zeremba Program Development LLC/ Dollar General has requested the portion of this parcel be rezoned to Commercial for the placement of a retail store and

**Whereas**, the proposed rezone is consistent with the Town of Pavilion Comprehensive Master Plan and is an extension of an existing Commercial Zone and

**Whereas**, the Town of Pavilion Town Board had a meeting on February 25<sup>th</sup> 2015 and recommended approval by unanimous vote for the zone to change from Residential to Commercial and

**Whereas**, pursuant to General Municipal Law, the request for Zoning change was referred to the Genesee County Planning Board by resolution no.44 on November 12<sup>th</sup> 2014 and

**Whereas**, the Genesee County Planning Board recommended disapproval of the Zone change on December 11<sup>th</sup> 2014 and

**Whereas**, a public hearing of the enactment of the said Zoning change was held on February 11<sup>th</sup> 2015 before this Town Board pursuant to public notice duly published in the Batavia Daily News according to law at which all interested persons were heard; and

**Whereas**, the Town of Pavilion has complied with the State Environmental Quality Review Act in making a determination of non-significance to an unlisted action.

**NOW, THEREFORE, BE IT RESOLVED**, that the Code of the Town of Pavilion is hereby amended to reflect the zone change of a portion of the Mcllroy parcel identified as tax map no. 16.-2-24 from Residential to Commercial

**BE IT FURTHER RESOLVED**, that the Pavilion Town Clerk be and is hereby authorized and directed to enter said resolution adopting the Zone change in the minutes of the Town, to publish said adoption of the Zone change or a summary thereof in the official newspaper of the Town and to file an affidavit of such publication in her office.

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

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Ron Zarbo	Aye
Councilperson Dean Davis	Aye

Councilperson Klapper offered a motion, seconded by Councilperson Davis

**Resolution No 35, 2015: Appointment of Highway Superintendent**

**RESOLVED:** Appoint Ronald Zarbo as Highway Superintendent with term to expire on 12/31/2015.

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

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Ron Zarbo	Abstained
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Thompson

**Resolution No 36, 2015: Letter of resignation**

**RESOLVED:** To accept letter of resignation from Ronald Zarbo as Town Councilperson.

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

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye

Highway Superintendent Zarbo appointed James Cleveland as Deputy Highway Superintendent.

Councilperson Klapper offered a motion, seconded by Councilperson Thompson to sell the damaged salt spreader to the Town of Covington in the amount of \$500.00

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

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Klapper

**Resolution No 37, 2015: Reduce tax assessment**

**RESOLVED:** To reduce American Tower tax assessment current assessed value.

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

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Thompson

**Resolution No 38, 2015: James Starr sewer hook-up**

**RESOLVED:** To correct parcel being assessed town sewer district units count is for two units should be for one unit.

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

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye

Permission was given to Vicki Buell Youth/Rec Director, to approach the Pavilion Firemen about utilizing the back room of the fire hall for the Youth/Rec Summer program. Due to the school's Excel project they will not be able to use the school this summer.

Reviewed E-mail from Matthew Landers , Assistant County Manager about Genesee County Workers Compensation Plan-Employer's Liability Insurance Coverage issue. Supervisor Howard will invite Matthew Landers to attend April Board meeting to explain the plan.

Water District Board is formed with town residents, Seth Conway will be a member.

Councilperson Davis offered a motion, seconded by Councilperson Thompson

**Resolution No 39, 2015: ZBA Candidate**

**RESOLVED:** Accept Lorraine West as Zoning Board Member term to expire 12/31/2019.

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

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Klapper

**Resolution No 40, 2015: Procurement Policy**

**RESOLVED:** To adopt the amended Procurement Policy dated 2-25-2015

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

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye

Councilperson Klapper offered a motion, seconded by Supervisor Howard

**Resolution No 41, 2015: CDL License and Medical Certificates**

**RESOLVED:** The Town of Pavilion shall require:

All MEOs and Town Vehicle/Equipment Operators will provide the town with a current CDL for copying. The Town will keep said copy in the employees file.

All MEOs will provide the Town with a current US Dept. of Transportation medical certificate stating that the employee is fit for duty as a CDL operator. This will be kept in the employees file and will be updated every two years. This will be paid for by the Town.

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

Supervisor Theron Howard	Aye
Councilperson Thomas Klapper	Aye
Councilperson Linda Thompson	Aye
Councilperson Dean Davis	Aye

Councilperson Klapper made a motion 8:21PM to adjourn meeting seconded by Councilperson Davis.  
Voting all ayes.

Respectfully submitted,

Lucinda Starr  
Pavilion Town Clerk