

**REGULAR MEETING**  
**February 8, 2023**  
**TOWN OF PAVILION**  
**7:00 P.M.**

The Town Board of the Town of Pavilion held the Regular Board meeting on February 8, 2023 at the Town Hall, One Woodrow Drive, Pavilion, New York 14525 at 7:00 pm Present were:

Supervisor Robert LaPoint  
Councilperson John Rudgers  
Councilperson Donald Oberlin  
Councilperson James Thater  
Councilperson Dean Davis

Others: Cindy Starr, James Cleveland, Ray & Kim Butler, Ken Stienmetz, Roy & Amy Smith, Todd Hackett, George Jinks, Devin & Evelyn Northrup.

Following pledge to the Flag, Supervisor LaPoint opened the Public hearing at 7:02 PM. at 7:10PM Supervisor LaPoint opened the regular meeting.

Highway-James Cleveland

- \*Highway crew filling in pot holes
- \*Have been busy cleaning and reorganizing the shop
- \*Salt barn in full
- \* Sewer law needs to be addressed for call outs repairs
- \*10- Wheeler Truck replacement is 2 yrs. out.

Highway-John Rudgers

- \*Nice job of cleaning and reorganizing shop.

Sewer- Donald Oberlin-no report

Code Enforcement-James Thater

- \*Solar policy is being looked at.
- \*Zoning law will be reviewed by Town Lawyer.

Water -Dean Davis- no report

Evelyn Northrup explained her pollination station program to achieve the Girl Scout Gold award.

Supervisor LaPoint offered a motion, seconded by Councilperson Thater

**RESOLUTION #29 of 2023: Evelyn’s Pollination Stations**

RESOLVED: Allow Evelyn Northrup to use a small plot of town land to be used as a pollination station for her Girl Scout Gold Award.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Oberlin

**RESOLUTION #30 of 2023: Set Public Hearing for Truck Purchase**

RESOLVED: Set March 8, 2023 at 7:00PM for a Public Hearing regarding 10 wheeler truck purchase.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Thater

**RESOLUTION #31 of 2023: Approve Local Law #1, 2023 Town of Pavilion Telecommunication Tower Moratorium of 2023**

RESOLVED: Approve Local Law # 1, 2023 The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Pavilion and to maintain the status quo as to certain telecommunication towers, as the present zoning regulations in the Town do not adequately address this type of use. The moratorium will stop the processing of applications for and the issuance of any permits, certificates of occupancy and approvals for certain land uses relating to telecommunication towers. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Pavilion Zoning Code concerning this use.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye

Councilperson Donald Oberlin      Aye  
Councilperson James Thater      Aye  
Councilperson Dean Davis      Aye

Councilperson Davis offered a motion, seconded by Councilperson Rudgers

**RESOLUTION #32 of 2023: Highway Contract Update**

WHEREAS, the Town of Pavilion (hereinafter “Town”) and the Teamsters Local 264 (hereinafter “Teamsters”) enter into a collective Bargaining Agreement which runs from January 1, 2022 through December 31, 2024.

WHEREAS, the Town and Teamsters are in mutual agreement that certain adjustments to the current CBA are necessary for the purpose of attracting and retaining employees, and

WHEREAS, the Town and Teamsters agree that such circumstances are unique, now therefore:

**IT IS HEREBY AGREED, BY AND BETWEEN THE PARTIES:**

1. Amend Appendix B as follows:

Effective 2/8/2023

Full-Time Employee

Machine Operators      \$26.83/per hour

Part Time Employees      \$23.94/per hour

Effective 1/1/2024

Full-time Employee

Machine Operators      \$28.17/per hour

Part Time Employees      \$24.66/per hour

2. That this agreement is based on unique circumstances and nothing herein shall set a precedent for future situations.
3. That this agreement is prospective only, that it takes effect upon ratification by both parties, and that the wage rates changed in this agreement shall not be applied retroactively.
4. It is hereby expressly agreed and acknowledged that this agreement contains the entire understanding of the parties in that there are no additional promises, representations, terms or provisions other than those contained herein.
5. That by there signatures below the signatories warrant that all necessary approvals and/or votes have been taken and that the signatories are authorized to bind the respective parties to this agreement.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Thater offered a motion, seconded by Councilperson Davis

**RESOLUTION # 33 of 2023 – Town Support of NYS Assembly Bill A02067**

**WHEREAS** the Town of Pavilion has had ongoing issues with advertising in the Batavia Daily News and

**WHEREAS** the Pavilion Town Board believes that Johnson Newspaper Corporation / New York Press Service does not understand the legal ramifications of prompt advertising according to New York State Laws and deadlines and

**WHEREAS** the Pavilion Town Board believes that it is unfair to only allow for advertising in a printed, paid publication because it limits notices to only those residents that pay for that service;  
**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board of the Town of Pavilion supports Assembly Bill A02067 Sponsored by Assemblyman Steve Hawley which would allow for online publication of public notices.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Davis offered a motion, seconded by Councilperson Thater to approve the Jan, 11, 2023 regular board and organizational meeting meeting minutes.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye

Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Oberlin offered a motion, seconded by Councilperson Rudgers to authorize the clerk to draw a warrant on the supervisor to pay bills. General \$44,735.96, T&A \$29,713.54, Sewer; \$9,801.68, Highway; \$32,395.87, Capital; \$1,524.60, Water District #7; 615.00 Water District; \$0

TOTAL \$118,786.65

Councilperson Oberlin offered a motion, seconded by Councilperson LaPoint to Approve Jan. 2023 operating statement, bank reconciliation & clerk report.

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

Supervisor Robert LaPoint	Aye
Councilperson John Rudgers	Aye
Councilperson Donald Oberlin	Aye
Councilperson James Thater	Aye
Councilperson Dean Davis	Aye

Councilperson Rudgers made a motion at 7:44PM to adjourn meeting seconded by Councilperson Thater. Voting all ayes.

Respectfully submitted,

Lucinda Starr