

MINUTES of the Regular Meeting of the Pembroke Town Board held on September 14, 2011 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: James H. Tuttle, Supervisor
Edward Arnold, Jr., Councilman
Gary De Wind, Councilman
Peter Sformo, Councilman

ABSENT: John Worth, Councilman

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Shellye Dale-Hall, Zoning & Codes; Richard Kutter, Planning Board Chairman; Tom Schneider, ZBA Chairman; Ed Mileham; Aaron Blake; Shari & Samantha Salim; Adam Walters, Phillips Lytle LLP; Andrew Kosa, Clark Patterson Lee; Steve Hyde, GCEDC.

Deborah Conti gave the invocation and had a special prayer for the passing of former Town Supervisor Joseph M. Murray.

Supervisor Tuttle led the Pledge to the Flag.

The meeting was called to order at 7:00 P.M.

On **MOTION** of Councilman Arnold, seconded by Councilman De Wind, to approve the Minutes of the Regular Meeting August 10th, 2011, and the Workshop Meeting of August 25th, 2011.

ALL AYES - MOTION CARRIED.

Samantha Salim approached the Town Board about a Girl Scout project that she would like to do to earn her Silver award. Samantha, with the help of Tom Harris who is a graduated forester from Paul Smith College, would like to label some of the tree species throughout the Town Park's Nature trail. Ms. Salim said they would like to sit down with the Park Committee to see how they would like the trees labeled and to see if the Town could provide a small amount of funding in 2012 to purchase the labels. Ms. Salim and Mr. Harris would like to walk the trail soon to see what species are there. The Board agreed that this could be done.

DEPARTMENT REPORTS

ASSESSOR

- Mrs. Conti and Doneen Pfalzer will be attending ORPS training classes in Batavia. The training is free of charge. The dates for these classes will be Sept. 19th & 20th, Sept. 22nd, Sept. 27th and Oct. 4.

ZONING & CODES ENFORCEMENT

- Mrs. Dale-Hall will have Zoning and Codes training in January 2012 that she will need to sign up for in 2011. She will have more information for the Board soon and will also see if Charles Reid will attend as well.

- The Zoning Department is seeing a lot of last minute permits coming through and some land separations. The department is continuing and be very busy and are making progress in closing out some finished projects. Mr. Arnold asked if there were any major issues that the Board should know about. Mrs. Dale-Hall said there is only one issue that they have been actively working on for the past few months and the Zoning Department hopes to get it resolved in October.

HIGHWAY

- Supervisor Stocking spoke with the NYS DOT. In June and July of 2012, the State DOT plans on paving Route 5 from the Erie County Line to the High Point Church. If the Town highway department provides trucks the Town will get 8-10 ton of millings. The State DOT Route 77 project is coming up shortly.
- The highway department is close to being finished with the extension of the parking lot at the Town Park.
- Grass seed will be ordered soon for the Town Park.
- The Town Clerk forwarded the Town Board minutes for Houseknecht Road to the Town Attorney for review. The issue is on abandonment of the paper road and/or an easement for the home owner on Houseknecht Road.
- Mr. Stocking spoke with Jack Bernard who is the caretaker of Hillside Cemetery. Mr. Bernard is willing to start maintaining the Old Buffalo Road Cemetery for around \$1,000 per year. The mowing would still be done by the Town. Mr. Bernard also knows about the in's and out's of cemetery care and where to get funding for headstone repair. Mr. Bernard is willing to come to the next Town Board Workshop meeting to talk with the Board.

TOWN CLERK

- August Town Clerk's reports have been submitted and filed.
- Town Clerk Nicole Begin reported that the Clerk's Office has been busy with the sale of Hunting License's. Mrs. Begin said that two years ago when NYC DEC raised the prices of license's they sold a large number of Lifetime Licenses and those who purchased them were given free doe permits for life. Because of that, a large percentage of the license's being issued in the Clerk's Office are no charge doe permits.
- The Town Board was asked to consider raising the sale price of lots at the Old Buffalo Road Cemetery. Lots are being sold for \$75.00 a piece and it costs the Town a great deal more than that it is getting from sales to maintain it.

PLANNING BOARD

- Mr. Kutter reported that there is a Public Hearing for a Special Use Permit at the September meeting for a company that wants to put in a Truck Wash at the old Sorce North Building at the end of Vision Parkway. They would also like to do light truck repair eventually. They would need to do some minor construction changes to do this. All water will be recycled.

ZONING BOARD OF APPEALS

Mr. Schneider said that there were two area variances approved at the August ZBA meeting for a new garage and front porch. There will be one variance discussed at the

- September meeting for a pond on Colby Road. It has already been approved by County Planning based on DEC approval.
- Mr. Schneider is working with Mr. Kutter regarding a couple of properties in Town that are zoned commercial. There is one next to Holiday Hollow that is vacant and up for sale. There is someone who wants to purchase it, tear it down and rebuild but there is no stipulation in our zoning law to allow him to rebuild a house on that property because it is zoned commercial. Mr. Schneider gave some information to Mr. Kutter for some changes he thinks should be made to allow that to be done with a special use permit. There is a similar piece of property up for sale on Lake Road. Sales of these two properties are not happening due to this.

JUSTICES

- August Justice reports have been submitted and filed.
- Supervisor Tuttle reported that the revenue coming in is still ahead of what was projected.

SUPERVISOR

- August Supervisor's reports have been submitted and filed.
- The Brick House Corners Fair went really well with a record number in attendance.
- Supervisor Tuttle gave special thanks to Larry, Scott, Aaron and Ed in the highway department for all of their help in the preparation of the truck bays and grounds. And a special thanks to Aaron Swable for a wonderful job as announcer.
- The Board was given a copy of the new contract with our grant writers J.O'Connell and Associates. The cost is going up \$2,000. If there are no objections we will have a resolution at the next meeting to renew the contract and get it budgeted for 2012.
- Town Clerk Nicole Begin is finishing up the reports to finalize the last NYS Archives grant and get it closed out.
- Supervisor Tuttle asked the Board to get him their tentative budgets so that he can prepare something for the Board to review at the next meeting.
- On Saturday October 29th, 2011 the Genesee County Sheriff's Department would like to hold a Drug Turn-in event here at the Town Hall.
- Mr. Tuttle has not heard back from the Town Board regarding a resolution for the Cohocton Road detour. Councilman Sformo has been looking into signage for the Cohocton and Lake Road intersection and has spoken to County Highway Superintendent Tim Hens regarding the accidents that have occurred at this intersection.

COMMITTEE REPORTS

Youth Recreation – Councilman Sformo

- Councilman Sformo received the final report for the Youth Recreation program for 2011. There were a total of 159 children that attended the program- 87 from the Town of Pembroke, 33 from the Town of Batavia, 13 from the Town of Darien, and 26 from the Village of Corfu.
- Children from Kindergarten to grade 1 was 32%
- Children grade 2 to grade 3 was 51%
- Children grades 4, 5, and 6 was 26%

Councilman Sformo thanked Donna Fix for running this year's program and said we will ask her again for 2012.

Parks/Land Acquisition – Councilman Arnold

- Mr. Arnold thanked the Highway Department for the clean up work that has been done at the Town Park entrance and for the extension of the parking lot.
- Jeff Kohl laid the sand down for the ball fields for us.
- Kiwanis is holding their car show at the park this coming weekend.

OLD BUSINESS

Adam Walters from Phillips Lytle, LLP came for a follow-up meeting to explain the abundance of information that his office supplied the Town Board in order for the Board to declare Lead Agency in the SEQR process for the Buffalo East Tech Park North project.

He went over the booklets that were provided. Copies were also provided for the Town Planning Board, ZBA and County Planning. The next step after the Town would declare Lead Agency would be for Mr. Walters to appear before the Planning Board. The Town Planning Board has asked for at least two meetings to go through the material. Mr. Walters office will work with Town Clerk Nicole Begin to get packages out to all interested agencies notifying them of the Town's intent to be Lead Agency. The Board will need to authorize Nicole to distribute that information.

Councilman Sformo asked what the positives and negatives are of being Lead Agency. Mr. Walters explained that the positive of being Lead Agency is that the Town is control of the Environmental review process. This project is a type one action meaning it exceeds the threshold on the type one list under SEQR through the DEC. Type one requires a coordinated SEQR review and one agency has to be designated Lead Agency. There would be a physical disturbance of over ten acres which also puts it on the type one list. The Town Board can decide if they want to be Lead Agency or whether they want some other agency to do it. The project can not go forward without a PUD rezone which cannot happen with the SEQR process being complete. If the Town Board lets someone else be lead agency they lose a little control over the environmental review. By taking on Lead Agency the Board is committing to taking a hard look at all the potential environmental impacts of the project and to make the determination of significance. Mr. Walters said that the Board is months away from making the final decision for rezone to PUD they do have to decide who is in the driver's seat on the environmental review process.

If the Board agrees to be lead agency they are not saying yes to have the property rezoned at this point.

Councilman Arnold asked if Mr. Walters had a chance to look into how the money that the Town has agreed to give to the GCEDC can be used towards the sewer district. Mr. Walters said that the Board would form the sewer district after they deal with the rezoning process so the property can be subdivided and can be included in the sewer district which will take care of the concern of the Town's attorney Mark Boylan and legally the Town can require as part of the PUD rezoning that there be a contribution from GCEDC towards the sewer extension which is necessary to

make the project happen. That would bring back the money from the GCEDC for the grant contribution.

Mr. Hyde felt that the Town Board is in the best position to be Lead Agency because the Board can better decide if the environmental issues from the formation of the PUD rezone will affect the area.

A **MOTION** was made by Councilman Arnold, seconded by Supervisor Tuttle that the Town of Pembroke take Lead Agency of the SEQR process for the Buffalo East Tech Park North project and also to give Town Clerk Nicole Begin authorization to distribute the necessary paperwork to interested agencies. The **MOTION** was **APPROVED** by roll call vote: Councilman Arnold, AYE; Councilman Sformo, AYE; Councilman De Wind, AYE; Supervisor Tuttle, AYE.
4 AYES - MOTION CARRIED

Councilman Sformo contacted David Saleh and Judge O'Connor and both feel that mail prosecutor Robert Zickl is perfect for the job and can handle it with no problem. Supervisor Tuttle will send Mr. Zickl a letter.

PUBLIC PARTICIPATION - No Public Participation.

RESOLUTIONS

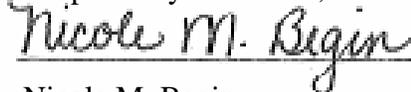
On **MOTION** of Councilman Sformo, seconded by Councilman Arnold, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Sformo, AYE; Councilman De Wind, AYE; Supervisor Tuttle, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION # 48 of 2011 - Payment of Abstract # 9 of 2011

RESOLVED the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to make all payments and bills contained in Abstract # 9 of 2011.

On **MOTION** of Councilman Arnold, seconded by Councilman De Wind, to adjourn the meeting at 8:22 P.M.
ALL AYES – CARRIED.

Respectfully submitted,



Nicole M. Begin
Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF SEPTEMBER 14, 2011 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.