

**MINUTES** of the Pembroke Town Board Workshop held on October 27, 2011 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

**PRESENT:** James H. Tuttle, Supervisor  
John Worth, Councilman  
Gary L. DeWind, Councilman  
Edward G. Arnold, Jr., Councilman  
Peter Sformo, Councilman

**OTHERS PRESENT:** Nicole Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Ed Mileham; Tom Carpenter, Clark Patterson Lee; Mark Boylan, Boylan Law Office; Laura Landers, Freed, Maxick & Battaglia; Steve Hyde & Chris Souzzi, GCEDC; Wayne Henry & Brian Bailey, Yancey's Fancy; Angela Knisley.

Supervisor Tuttle called the Workshop to order at 7:37 A.M.

### **OLD BUSINESS**

Tom Carpenter asked the Board for some direction on how the Town would like to proceed regarding the sewer district. He would like more input on what the service area will be. Mr. Carpenter presented some drawings showing different designs to the sewer district and explained that the main goal is to minimize the cost to residents in the district. There were three (3) different ways to construct the sewer with different costs to each plan and Mr. Carpenter asked the Board to decide which way to go. There is a summary of the discussion with Clark Patterson Lee attached. The board decided to have the water committee members organize a meeting with the Village Trustees. A letter will go out to the residents and businesses along Alleghany Road informing them of an informational meeting to get an idea of interest.

Tom Carpenter said that Clark Patterson would like to do the Geotechnical work for the project. They would like to do soil borings. They did receive three (3) bids from Geotechnical companies, the lowest being SJB services for approximately \$7,000.00. Clark Patterson would need authorization from the Town Board to proceed and it would be part of the project budget.

A **MOTION** was made by Councilman DeWind, seconded by Councilman Arnold that the Town gives Tom Carpenter of Clark Patterson Lee authorization to hire geotechnical company SJB services to do test drillings for the sewer district with the cost not to exceed \$10,000.00.

The **MOTION** was **APPROVED** by roll call vote: Councilman Arnold, AYE; Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE.  
ALL AYES - MOTION CARRIED

### **NEW BUSINESS**

Steve Hyde introduced Wayne Henry and Brian Bailey from Yancey's Fancy. Mr. Henry and Mr. Bailey gave an in depth description of Yancey's Fancy business, their employees and how the business is doing here in the Town of Pembroke. In the future they would like to expand the business and wanted to know what ideas the Town has for future business growth.

The Board explained that local business growth is currently something the Town would like to see to keep jobs local and to help offset property taxes.

Tom Carpenter, Steve Hyde, Chris Souzzi, Brian Bailey, & Wayne Henry left the meeting at 10:00 A.M.

Mark Boylan and Laura Landers arrived at 10:00 A.M.

**OLD BUSINESS (continued)**

Attorney Mark Boylan explained to the board that he has had some questions from members of the Town Board regarding the SEQR process. Mr. Boylan said that the GCEDC is concerned with deadlines and options potentially expiring. Mr. Boylan also said that even though the Town has a partnership established with the GCEDC it is important for the Town Board as Lead Agency to demonstrate that they are taking a hard look at this proposed project. Mr. Boylan advised the Board to consult with an independent engineer who is not affiliated in any way to the GCEDC to review the SEQR and take that "hard look". The independent engineer can let the Town know if they should give a negative declaration for the project or get more information before proceeding. Mr. Boylan said that the Board should have the SEQR reviewed and if a negative declaration can be made a public hearing can be held to rezone the property to PUD. If a positive declaration is given, further studies will need to be done at the expense of the GCEDC in order for the Town to give a negative declaration. Mr. Boylan explained that the Board is obligated as Town and Lead Agency to look over this project completely to make sure the project is done right.

Mr. Boylan spoke with engineer Paul Chatfield and he is willing to do the SEQR review.

A **MOTION** was made by Councilman Sformo, seconded by Councilman DeWind to authorize Attorney Mark Boylan consult & hire engineer Paul Chatfield to review the SEQR and application for the rezone of Buffalo East Tech Park North. The agreement with Mr. Chatfield is not to exceed \$15,000.00 without first informing the Town where he is in the review process. The **MOTION** was **APPROVED** by roll call vote: Councilman Arnold, AYE; Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. ALL AYES - MOTION CARRIED

Laura Landers looked at the tentative Town budget and determined that the total must include the water districts. Mrs. Landers suggested that the Town pass the local law to override the 2% tax cap only to cover the Town. The tax cap override is something the Town would have to do annually if need be. With a new sewer district coming in 2012 the budget will increase more than 2% due to grant monies that must be calculated in. Overriding the 2% tax cap even though the Town budget is not going to increase more than 2% will protect the Town in case of a miscalculation or other future projects that may occur. The local law must be adopted before the budget is approved.

**NEW BUSINESS (continued)**

Supervisor Tuttle reported that Mr. Byers from County Line Stone approached the Town of Pembroke regarding an application that County Line Stone placed with the DEC to expand their permit area into the Town of Pembroke. The NYS DEC has agreed to be lead agency on the environmental review of the application. County Line Stone currently owns approximately 90 acres in the Town of Pembroke and would like to expand the quarry into about 30 of those acres in the near future. Parts of Cohocton and Scribner roads would be abandoned and re-routed. Mr.

Tuttle said that there may be concerns from residents on surrounding roads with the blasting. Mr. Boylan said that there could also be impacts on wells, noise, dust, vibration, etc. and lower property values.

Mr. Sformo asked if the Town Board decides that there are too many impacts and does not want to allow them to proceed, Can the Board be the entity to hold up the project? Mr. Boylan said that County Line Stone would have to apply for a special use permit and in that process a number of things will determine if the project will affect the character of the neighborhood. Potential impact on home value, wells, etc. could result in a disapproval of a special use permit to allow them to operate. Also, the property is not zoned for earth products so the Town Board would need to do a local law to rezone the property from ag-residential to earth products and a public hearing would need to be held.

Attorney Mark Boylan said that it is possible it could end up in litigation however as long as the Town complies with their own local laws and the Town Board bases their decision on all of its criteria in the local law regarding special use permits it is almost impossible to overturn.

Councilman Arnold will contact Paul Phelps regarding the gas well on the park property. Mertie Doll had life use of the gas well on the park property and since her unfortunate passing; the gas well usage needs to be examined by the current owners of that well to determine who, if anyone has rights to them.

Attorney Mark Boylan said that the request made by Judge Alexander to change locks in the Village Court office should not be accommodated. Mr. Boylan feels that it is not in the Town's best interest to be involved with any Village matters. Mr. Boylan said the Town should suggest that Judge Alexander find a way to lock up files in a locking filing cabinet if he feels that someone is entering the office without authorization.

Attorney Mark Boylan said that any paper roads that have not been used in several years are essentially abandoned. Some of those paper roads go right through the middle of properties and homes so no actual road could ever be used there. The Town could do a formal resolution for formally abandon the paper roads not being used although it is not necessary. The paper roads will still be referenced on the deeds. The Board will have Assessor Deborah Conti find out which roads are not used so that they can be formally abandoned.

### **ROUND TABLE DISCUSSION**

**Superintendent Stocking** – Councilman Arnold reported that Mr. Stocking was informed of a price increase on November 1<sup>st</sup>, 2011 for the cost of a new dump/plow truck. The purchase price for a new truck with complete package is currently \$198,925.00. The truck being purchased will replace the 1998 truck which is the oldest truck in the Town's fleet. Mr. Stocking would need Board authorization to order the truck before November 1<sup>st</sup>, 2011 to be paid for in 2012.

A **MOTION** was made by Supervisor Tuttle, seconded by Councilman DeWind to give Highway Superintendent Stephen Stocking authorization to order a new dump/plow truck to replace the oldest truck in the fleet with the cost not to exceed \$200,000.00.

The **MOTION** was **APPROVED** by roll call vote: Councilman Arnold, AYE; Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. ALL AYES - MOTION CARRIED

**Councilman Arnold** – Mr. Arnold spoke to Bob Osbourne at Spring Creek Construction regarding the generator at the Community Center. Mr. Osbourne can fit the generator with the correct transformer for a cost of \$5,360.00. The Board agreed to get the generator all set before the winter months. Mr. Osbourne said he can have it done in a week or two.

**Councilman DeWind** – Mr. DeWind would like to have Jack Bernard from Hillside Cemetery at the next Workshop meeting to discuss repair of the head stones at the Old Buffalo Road Cemetery which is maintained by the Town.

Mr. DeWind said that the Town should replace the fencing that protects the small cemetery on Main Road and Slusser Road. The old fencing is in disarray and it is the Town's responsibility to maintain that cemetery. Mr. DeWind spoke with Jamie Waff about restoring the plaque signs at the cemeteries that are maintained by the Town.

The Board discussed plots at the Old Buffalo Road cemetery. The cemetery currently does not have vehicle access. The Board decided to speak to Jack Bernard and hold off on any changes until the Workshop meeting.

**Councilman Sformo** – Mr. Sformo stated that he spoke with the Genesee County Planning department and they said that our zoning clerk, Doneen Pfalzer has been doing an excellent job and is great to work with.

Scott Strollo will be working on automatic flushers in the Court office bathrooms. He also replaced some damaged gutters.

Mr. Sformo spoke with 77 Construction regarding heat tape at the Pembroke Court/Community Center building. The price is extremely high for heat tape and it sometimes does more damage than good. Another option to protect people from the ice buildup is to put dormers over doorways. Mr. Sformo will look into other alternatives to battle the ice buildup and get a quote for dormers.

The lowest bidder for radiant heaters at the Corfu Fire department can put the heaters up in the spring.

Mr. Sformo met with the VFW group to discuss a permanent fixture at the Pembroke Community Center for the VFW pictures and plaques. Mr. Sformo asked the board for their opinion on display cases on the north wall for VFW and other groups to use. Mr. Sformo will get some prices on display cases.

The Corfu Fire Department was asked to remove all of the bees' nests around the Corfu building and spray down the outside walls. Mr. Sformo asked if the board would agree to purchase a few sheet pizza's to thank them for doing that. The board agreed.

**Supervisor Tuttle** – Mr. Tuttle forwarded some information on to the PYA and the Corfu Library regarding grants that the Town can apply for to help out those public entities. He is waiting for a reply from to see if they are interested.

Mr. Tuttle asked the board if they were interested in being part of the Chamber of Commerce travel guide for 2012. The board agreed that we should.

Mr. Tuttle told the board that we still have an application into the USDA for water district # 3 on Indian Falls Road. The method of awarding water grant monies from the USDA is through a points system. The amount of points given is based on the amount of bad wells there are, low income, etc... Based on those factors the Town will not receive funding for that district for at least three years if we continue with the application. Also, a SEQR is now required to be attached to the application if the Town plans on applying for a water grant through the USDA. The board discussed the lack of interest on Indian Falls Road during the spring of 2011 application process. The Councilmen agreed to let the application lapse since the interest from residents on that road is minimal.

Mr. Tuttle asked the board if they were interested in sending another Town employee to Leadership Genesee in 2012. The board agreed not to send anyone in 2012 but may consider sending someone in 2013.

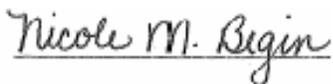
**PUBLIC PARTICIPATION** ~ Angela Knisley proposed to the Board to hold an informational seminar to educate the board and the public about hydrofracking and how it may affect the Town of Pembroke. Mrs. Knisley will get together with Town Clerk Nicole Begin to set something up at the Pembroke Community Center.

### **ADJOURNMENT**

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, to adjourn the Workshop Meeting at 12:39 P.M.

ALL AYES – CARRIED

Respectfully Submitted,



Nicole M. Begin  
Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP OF OCTOBER 27, 2011 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.