

**MINUTES** of the Regular Meeting of the Pembroke Town Board held on November 9, 2011 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

**ABSENT:** Peter Sformo, Councilman

**OTHERS PRESENT:** Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Tom Schneider, ZBA Chairman; Deborah Conti, Assessor; Shellye Dale-Hall, Zoning & Codes Officer; Ed Mileham; Richard Doktor; James Mallory;

Deborah Conti gave the invocation; Supervisor Tuttle led the Pledge to the Flag.

The meeting was called to order at 7:03 P.M.

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The **Public Hearing** for Local Law #2 of 2011, A local law to override the tax levy limit established in General Municipal Law §3-c, was called to order at 7:04 P.M. Nicole Begin reported she had the Notice of Public Hearing as printed in the Daily News as well as posted on the Town's bulletin board, the Affidavit of Posting, and the Certification of Distribution to Board Members.

**PUBLIC HEARING  
LOCAL LAW # 2 of 2011**

Supervisor Tuttle said that this local law is to override the 2% tax cap even though the Town budget is not going to increase more than 2%. As explained to the Town Board by the Auditor at Freed Maxick & Battaglia as well as Attorney Mark Boylan, overriding the 2% tax cap will protect the Town in case of a miscalculation in figures or other future projects like the sewer district that will occur and will need to be shown on the Town Budget even though grant monies will pay for it.

The floor was opened to the public & Town Board for comments or suggestions; no one spoke.

On **MOTION** of Councilman Worth, seconded by Councilman Arnold, to close the Public Hearing at 7:10 P.M.

**ALL AYES - MOTION CARRIED.**

Everyone being heard that wished to be heard the public hearing was declared closed.  
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 The **Public Hearing** for Local Law #3 of 2011, A local law for a zoning law amendment, was called to order at 7:11 P.M. Nicole Begin reported she had the Notice of Public Hearing as printed in the Daily News as well as posted on the Town's bulletin board, the Affidavit of Posting, and the Certification of Distribution to Board Members.

**PUBLIC HEARING  
 LOCAL LAW # 3 of 2011**

Supervisor Tuttle explained that this rezone is for three parcels located on Lake Road. The parcels are currently zoned Commercial. One of the property owners is having trouble selling their property because it is zoned commercial. The rezone has been reviewed and approved by both the County Planning Department and the Pembroke Planning Board.

The floor was opened to the public & Town Board for comments or suggestions; no one spoke.

On **MOTION** of Councilman Worth, seconded by Councilman Arnold, to close the Public Hearing at 7:15 P.M.  
 ALL AYES - MOTION CARRIED.

Everyone being heard that wished to be heard the public hearing was declared closed.  
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On **MOTION** of Councilman Arnold, seconded by Councilman DeWind, to approve the Minutes of the October 4<sup>th</sup> Special Budget meeting, the October 12<sup>th</sup> Regular meeting and the October 27<sup>th</sup> Workshop meeting.  
 ALL AYES - MOTION CARRIED.

**DEPARTMENT REPORTS**

ASSESSOR ~ Deborah Conti

Mrs. Conti and Zoning Clerk Doneen Pfalzer took several training classes offered free of charge from the Genesee County Office of Real Property. The classes were very helpful for what is needed at the local level.

ZONING & CODES ENFORCEMENT ~ Shellye Dale-Hall

Reports submitted and filed.

HIGHWAY ~ Steve Stocking

Tim Eastman is helping the Highway Department this week with tree trimming. The Highway crew finished fall mowing and bills have been submitted to the state. Mr. Stocking is still trying to find someone to pick up the dead deer since the Town and County were notified that Marr's Fir Farm could no longer do it. Mr. Stocking asked the board for approval to purchase a new plate tamp which is used when replacing drain pipes. The plate tamp the Town now owns is over 30

years old and broke during the last job on Phelps Road. The cost would be \$6,300.00 and the money is available in the equipment line. The Board approved the purchase.

Mr. Stocking has been working with Bruce Byers from County Line Stone on the issue of how and where roads would be abandoned and reconfigured if the stone quarry expands. Mr. Tuttle stated that no application has been filed as of yet and would need to go before the Planning Board and Town Board before any changes would be made.

TOWN CLERK ~ Nicole Begin

Reports submitted and filed. The Clerk's office has slowed right down on the sales of hunting licenses.

PLANNING BOARD ~ Richard Kutter

No Report

ZONING BOARD OF APPEALS ~ Thomas Schneider

At the October meeting the ZBA granted approval for a pond on Colby Road. Mr. Sommers on Lake Road was given preliminary approval to get his house sited. The approval will be made official at the November meeting. Mr. Schneider is working with the Planning Board to try and make some zoning changes.

JUSTICES

Reports not yet submitted.

SUPERVISOR ~ James H. Tuttle

Reports submitted and filed. Mr. Tuttle provided the Board members with an up to date report of park expenditures. We received the 3<sup>rd</sup> Quarter sales tax check and it completed our 2011 budget requirements with some left for sewer administrative expenditures.

**COMMITTEE REPORTS**

**Building & Grounds** – Councilman Sformo

Highway Superintendent said that Leo Dispenza repaired the wall out in the Highway garage that had been damaged years ago and over the years has gotten worse.

**Parks/Land Acquisition** – Councilman Arnold/ Councilman DeWind

Mr. DeWind reported that the highway department laid some stone on the park driveway. Mr. DeWind also reported that he was invited by Todd Skeet, the head of PYA football to attend a NOFA football game in Medina last week. At the game Mr. DeWind was awarded a plaque on behalf of the Town of Pembroke for all of the work that has been done at the Town Park. The NOFA organization wanted to recognize all that the Town has and is doing for Youth Sports. Mr. DeWind explained that the Jim Ellegate Memorial Award that was given is in memory of a very dedicated NOFA volunteer who lost his life in a car accident when he was traveling home from a game. The plaque will be displayed in the Town Clerk's office.

Mr. DeWind reported that Harold Suhr who owns the Lyndonville Tigers semi-pro football team are working with the NFL on applying for a grant for our Town Park to put in a Astro turf football field and bigger bleachers.

Mr. Arnold spoke with Paul Phelps regarding gas wells on the park property. He was informed that the gas wells stay with the Mertie Doll property until the owner decides to sell, at which time the Town would have first choice to purchase as was written in the contracts.

**Intermunicipal, Economic & Community Development** – Supervisor Tuttle

Work is continuing on the sewer project and the SEQR is being reviewed for the BETP-N project.

**OLD BUSINESS**

Councilman Arnold spoke with Bob Osbourne at Spring Creek Construction and he is in the process of getting equipment needed to retrofit the generator at the Community Center.

**NEW BUSINESS**

Supervisor Tuttle reported that the Association of Towns provided us with information for “Newly Elected Officials Training”. The training will be held in January in Rochester, NY.

A petition has been submitted by the residents on Akron Road requesting the lowering of the speed limit from 55 mph to 45 mph. Petitions were filed for the same in 1990 and 1993 and were denied by NYS DOT. The Board agreed to support the petition by resolution and forward to the County and State DOT for their review. At that point it will be up to the State for their decision. A resolution will be done at the Town Board Workshop meeting on November 17<sup>th</sup>, 2011.

Mr. Tuttle said that the Town does not currently participate in the United Way Campaign. He would like the Board to pass a resolution to allow the United Way to ask the Town Employees for contributions that can be made electronically from their payroll checks. Mr. Tuttle will have a resolution for this at the Town Board Workshop meeting on November 17<sup>th</sup>, 2011.

**PUBLIC PARTICIPATION** ~ No public participation.

**RESOLUTIONS**

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

**RESOLUTION # 53 of 2011** - Levying unpaid water and sewer charges against 2011 tax warrant

**WHEREAS** The Town Clerk has received a list of all property owners who owe for water and/or sewer rents in Water Districts for the Town’s of Batavia and Newstead as of October 27, 2011; and

**WHEREAS** Section 229-15 (c) of Town Law stipulated that such amounts owing shall be levied against the property to which the service is rendered; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the amount of \$276.19, or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2012 tax warrant.

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

**RESOLUTION # 54 of 2011** – Adoption of Local Law No. 2 of the Year 2011

**WHEREAS** a public hearing was scheduled to be held by the Pembroke Town Board at a regular meeting on November 9<sup>th</sup> 2011 at the Pembroke Town Hall, 1145 Main Road in said Town at 7:00 P.M. pursuant to a Notice of Public Hearing, published in The Daily News on November 1<sup>st</sup> 2011, and posted on the sign board at the Pembroke Town Hall, A Local Law to override the tax levy limit established in General Municipal Law §3-c; and

**WHEREAS** a public hearing was held at the regular meeting of the Town Board on November 9<sup>th</sup>, 2011; and

**WHEREAS** the auditors of Freed Maxick & Battaglia PC have recommended enactment of such law; and

**WHEREAS** the members of the Town Board have had said Local Law No. 2 of the Year 2011 in final form for the period required under Section 20 of the New York Municipal Home Rule Law; and

**WHEREAS** the Town Board of the Town of Pembroke, after due deliberation, finds it in the best interest of the Town to adopt said Law; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Pembroke hereby adopts said Local Law as Local Law No.2 of 2011, a true copy of which is attached hereto and made a part of this Resolution, and **BE IT FURTHER**

**RESOLVED**, that the Town Clerk be, and she hereby is, directed to enter this Resolution and said Local Law in the minutes of this meeting, enter said Local Law No. 2 of 2011 in the Local Law Records Book of the Town of Pembroke, and send a certified copy thereof with due notice of adoption to the New York Secretary of State for filing at the New York Department of State.

This Local Law shall become effective upon its filing with the New York Secretary of State.

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

**RESOLUTION # 55 of 2011** – Adoption of Local Law No. 3 of the Year 2011

**WHEREAS** a public hearing was scheduled to be held by the Pembroke Town Board at a regular meeting on November 9<sup>th</sup> 2011 at the Pembroke Town Hall, 1145 Main Road in said Town at 7:00 P.M. pursuant to a Notice of Public Hearing, published in The Daily News on November 1<sup>st</sup> 2011, and posted on the sign board at the Pembroke Town Hall, A Local Law to amend Local Law No. 1 of 1991 Zoning Law of the Town of Pembroke; and

**WHEREAS** a public hearing was held at the regular meeting of the Town Board on November 9<sup>th</sup>, 2011; and

**WHEREAS** the members of the Town Board have had said Local Law No. 3 of the Year 2011 in final form for the period required under Section 20 of the New York Municipal Home Rule Law; and

**WHEREAS** the Town Board of the Town of Pembroke, after due deliberation, finds it in the best interest of the Town to adopt said Law; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Pembroke hereby adopts said Local Law as Local Law No. 3 of 2011, a true copy of which is attached hereto and made a part of this Resolution, and **BE IT FURTHER**

**RESOLVED**, that the Town Clerk be, and she hereby is, directed to enter this Resolution and said Local Law in the minutes of this meeting, enter said Local Law No. 3 of 2011 in the Local Law Records Book of the Town of Pembroke, and send a certified copy thereof with due notice of adoption to the New York Secretary of State for filing at the New York Department of State.

This Local Law shall become effective upon its filing with the New York Secretary of State.

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

**RESOLUTION # 56 of 2011** – 2012 Budget Approval

**WHEREAS** the 2012 Town of Pembroke Preliminary Budget was presented at a Public Hearing on Wednesday, October 12, 2011 and

**WHEREAS** as a result of the public hearing, there were no changes or amendments to the Preliminary Budget except those approved by the Town Board prior to the Public Hearing, **NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board approves the 2012 Budget as presented at the Public Hearing

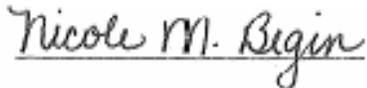
On **MOTION** of Councilman Worth, seconded by Supervisor Tuttle the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Worth, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE.  
ALL AYES - MOTION CARRIED

**RESOLUTION # 57 of 2011** - Payment of Abstract # 11 of 2011

**RESOLVED** the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to make all payments and bills contained in Abstract # 11 of 2011.

On **MOTION** of Councilman Arnold, seconded by Councilman Worth, to adjourn the meeting at 8:00 P.M.  
ALL AYES – CARRIED.

Respectfully submitted,



Nicole M. Begin  
Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING AND PUBLIC HEARINGS OF NOVEMBER 9, 2011 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.