

MINUTES of the Pembroke Town Board End of Year Meeting and Workshop held on December 29th, 2011 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: Edward G. Arnold, Jr., Councilman/Deputy Supervisor
Gary L. DeWind, Councilman
Peter Sformo, Councilman
John Worth, Councilman

ABSENT: James H. Tuttle, Supervisor

OTHERS PRESENT: Nicole Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Edwin Mileham; Michael Herec & Richard Kutter, Planning Board; Tom Carpenter, Clark Patterson Lee; Paul Chatfield & Tom Low, Chatfield Engineers; Mark Boylan, Attorney.

Deputy Supervisor Arnold called the meeting to order at 7:39 A.M. and explained that this is not only the Workshop but also the Year End Meeting.

OLD BUSINESS

BETP- SEQR – Tom Low from Chatfield engineers updated the board on their review of the SEQR for the Buffalo East Tech Park-North. They suggest that the Board issues a positive declaration. They provided the Board with their reviews. Attorney Mark Boylan explained both processes of negative declaration and positive declaration. The board could issue a positive declaration and halt the project until all studies are complete or they could issue a negative declaration with stipulation that the GCEDC will correct the issues provided by Chatfield engineers. Mr. Arnold said that he would be willing to negative declaration and give the GCEDC opportunity to correct the problems. Chatfield engineers will send their findings to GCEDC attorney Adam Walters.

SEWER – Mr. Boylan said that the Village of Corfu needs to know if the GCEDC is willing to contribute financially towards upgrades to the sewer plant. The Village would like to see a contribution of \$200,000.00. Mr. Carpenter felt that the GCEDC would be willing to contribute but wasn't sure on the amount. Mr. Boylan said that without a contribution from the GCEDC the BETP-N may only be given ten thousand gallons of sewer use. Mr. Carpenter said that with the final drawings presented to the Town, the Town is looking at an estimated sewer debt service of \$806 per year worst case scenario. Mr. Kutter asked if that would need to go to a vote by the residents. Mr. Boylan replied that by law it would not need to go to vote but the board could put it to a vote if they felt it was necessary. Mr. Carpenter will resubmit the work plan to the NYS DEC and feels we should have an answer by February 1st, 2012. The new sewer committee in 2012 will meet with GCEDC, the Village of Corfu and Clark Patterson Lee.

WATER on GENESEE ST. – Mr. Arnold suggested that the Committee in charge of water should get the reports from the Genesee County Health Department regarding the testing of the wells on Route 33 to see what the next step will be. The board has not received a copy of the reports as of yet.

NEW BUSINESS

Mr. Worth explained that the board should update our code of ethics to include something regarding nepotism. The Attorney General is looking at all of the state's 932 Town's to see if and what they have in their code of ethics for nepotism.

Councilman DeWind is going to get a bid from a few different fence companies to get a price on batting cages for the park for 2012.

Councilman Sformo informed the board that now that the generator is up and working at the Community Center there needs to be a roof in place over it for protections from snow and ice. If the cost is under \$3,000 (per Purchasing Policy), Mr. Sformo will get the roof put in.

Councilman Sformo suggested that the Town hire someone as the "hall rental person" to check the hall before and after the hall is used. Mr. Sformo said that items have gone missing including one of the large coffee pots and that there is a need for someone to go there to stock the toilet paper and make sure things are clean before and after use. It should be a paid part-time position and that may mean an increase in rental price. Mrs. Begin said that someone is needed more so on the weekend or when used for private events. The Board said that they will each try to come up with a list of duties for the position. Mr. Sformo said that the hand dryers need replacement in the Community Center bathroom as the dryers that were put in last year are poor quality and have broken down. Mr. Sformo also said that the outside of the Community Center/Court building needs some maintenance.

ROUND TABLE DISCUSSION

Superintendent Stocking – Mr. Stocking reported that because of the lack of snowfall not much salt has been used. There have been some issues with the garage doors breaking this week. They have been repaired by Overhead Doors. There is meeting scheduled today with the Highway Superintendents regarding the State DOT trying to take control of plowing all state roads.

Councilman Worth – Mr. Worth asked the board to consider realignment of the Board Committees for 2012. Mr. Sformo said that some of the committees do conflict with one another. The Board will look into that at the Organizational meeting in January.

Mr. Worth also said that the Board should finalize the issue we have with paper roads. Attorney Mark Boylan said that the Board can do a Resolution to abandon all paper roads but it is not necessary to include Houseknect road because that road is a dedicated road.

RESOLUTIONS

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

RESOLUTION # 62 of 2011 – Code Enforcement Officer Agreement between the Town of Pembroke and the Town of Batavia

WHEREAS the Town of Batavia and the Town of Pembroke entered into a Code Enforcement Officer Agreement in February 2007; and

WHEREAS the agreement addresses the need for each party to have its Codes enforced during periods when its Enforcement Officers are unavailable due to illness, vacation and other absences. **NOW, THEREFORE, BE IT**

RESOLVED, pursuant to Article 5-G of the General Municipal Law, the Pembroke Town Board wishes to re-enter into an agreement between the Town of Batavia and the Town of Pembroke for Code Enforcement coverage (agreement attached); and **BE IT FURTHER**

RESOLVED, the Pembroke Town Board hereby authorizes the Supervisor to execute the aforementioned agreement.

On **MOTION** of Councilman Worth, seconded by Councilman DeWind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Worth, AYE; Councilman Sformo, NAY; Councilman De Wind, AYE; 4 AYES, 1NAY - MOTION CARRIED

RESOLUTION # 63 of 2011 –Assessment Board of Review Appointment

WHEREAS the term of Paul Phelps, a member of the Town of Pembroke Assessment Board of Review, will expire December 31, 2011: and

WHEREAS Mr. Phelps has submitted a request to be re-appointed to the position; **NOW, THEREFORE, BE IT**

RESOLVED That the Town Board of the Town of Pembroke hereby re-appoints Paul Phelps to the Town of Pembroke Board of Assessment Review for a five (5) year term expiring December 31, 2017.

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

RESOLUTION # 64 of 2011 – Planning Board Appointment

WHEREAS the term of Michael Bakos, a member of the Town of Pembroke Planning Board, will expire December 31, 2011 and

WHEREAS Mr. Bakos has submitted a request to be re-appointed to the position; **NOW, THEREFORE, BE IT**

RESOLVED That the Town Board of the Town of Pembroke hereby re-appoints Michael Bakos to the Town of Pembroke Planning Board for a five (5) year term expiring in December 31, 2017.

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

RESOLUTION # 65 of 2011 – Organizational Meeting

WHEREAS the Town Board is required to have an Organizational Meeting, as per section 4.2 d of Town Law; **NOW, THEREFORE BE IT**

RESOLVED that the Town Board of the Town of Pembroke will hold said Special Meeting on January 3rd, 2012 at 8:00 A.M. for the purpose of organizing and conducting any business of the Town for 2012 that is appropriate at that time.

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 Sformo, AYE; Councilman De Wind, AYE;
ALL AYES - MOTION CARRIED

RESOLUTION # 66 of 2011 – 2012 Joint Youth Program Participation

WHEREAS the Town of Pembroke has previously participated in the Joint Youth Program along with the following communities; The Village of Corfu, The Town of Batavia, and the Town of Darien; and

WHEREAS the Town of Pembroke’s contribution to the Joint Youth Program for 2012 is \$12,000; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board hereby approves and authorizes the Town’s participation in the aforementioned Joint Youth Program in the year 2012.

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

RESOLUTION # 67 of 2011 - Corfu Fire District Lease

WHEREAS, the Town Board of the Town of Pembroke has determined that it is in the best interest of the Town enter into a lease for a portion of the building known as the Corfu Fire Hall with the Corfu Fire District; and

WHEREAS, the Town Board will lease to the Fire District approximately 2,785 square feet of the Fire Hall known as the Truck Room for a period of two years with an automatic renewal term of an additional two years (a copy of the proposed lease is available for public inspection at the Town Clerk’s office during regular business hours); **NOW, THEREFORE BE IT**

RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Pembroke to enter into a lease for the Truck room at the Corfu Fire Hall with the Corfu Fire District subject to passage of the permissive referendum period required under law without a petition for a permissive referendum. This Resolution shall be subject to a permissive referendum, as required by Town Law.

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

RESOLUTION # 68 of 2011 – Server Hardware Upgrade

WHEREAS the 2003 Windows Server hardware is antiquated and the Town Board wishes to upgrade; **NOW, THEREFORE, BE IT**

RESOLVED that the new server will be purchased off State Bid from Alternative Information Systems NYS Vendor ID #PT58036. In addition, configuration, installation, and data transfer service to be supplied by Alternative Information System at a cost for the above not to exceed \$6,000.00.

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

RESOLUTION # 69 of 2011 – Budget Transfers for 2011

RESOLVED, THAT THE Supervisor be authorized to make the following Budget transfers:

FROM: A1355.4	ASSESSMENT – CONTRACTUAL	15.95	
TO: A1355.11	ASSESSMENT – CLERK TYPIST		15.95
FROM: A1410.12	TOWN CLERK –DEPUTY TOWN CLERK 2	50.00	
TO: A1410.4	TOWN CLERK CONTRACTUAL		50.00
FROM: A1440.4	ENGINEER – CONTRACTUAL	1,000.00	
TO: A1440.41	ENGINEER –GRANT WRITER		1,000.00
FROM: A1620.411	BLDGS CONTRACTUAL –CORFU –TELCOM	1,308.02	
TO: A1620.412	BLDGS CONTRACTUAL –CORFU –ELECTRIC		1,308.02
FROM: A1620.414	BLDGS CONTRACTUAL –CORFU –SUPPLIES	2,800.00	
TO: A1620.413	BLDGS CONTRACTUAL –CORFU –GAS		2,800.00
FROM: A1620.422	BLDGS CONTRACTUAL –PEMBROKE –ELECTRIC	1,448.54	
TO: A1620.421	BLDGS CONTRACTUAL –PEMBROKE – TELCOM		1,448.54

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FROM: A1620.423	BLDGS CONTRACTUAL –PEMBROKE –GAS	4,000.00
A1990.4	CONTINGENT ACCOUNT	4,000.00
TO: A1620.424	BLDGS CONTRACTUAL –PEMBROKE –SUPPLIES	8,000.00
FROM: A3510.4	CONTROL OF DOGS –CONTRACTUAL	97.50
TO: A3510.1	CONTROL OF DOGS –PERSONAL SERVICES	97.50
FROM: A7110.2	PARKS –EQUIPMENT	6,000.00
A1990.4	CONTINGENT ACCOUNT	4,000.00
TO: A7110.4	PARKS –CONTRACTUAL	10,000.00
FROM: A9010.8	EMPLOYEE BENEFITS –STATE RETIREMENT	17,300.00
TO: A9060.8	EMPLOYEE BENEFITS –HOSPITAL & MEDICAL INS	17,300.00
FROM: B1420.4	LAW –CONTRACTUAL	10,000.00
B1440.4	ENGINEER –CONTRACTUAL	12,000.00
B1990.4	CONTINGENT ACCOUNT	2,410.12
TO: B1972.4	COUNTY TREASURER –REDUCE TAXES	24,410.12
FROM: DA5142.1	SNOW REMOVAL –PERSONAL SERVICES	15,000.00
TO: DA5142.4	SNOW REMOVAL –CONTRACTUAL	15,000.00

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 Sformo, AYE; Councilman De Wind, AYE;
ALL AYES - MOTION CARRIED

RESOLUTION # 70 of 2011 – Appropriation of New York State Department of Education Archives Grant

WHEREAS The Town of Pembroke did in 2011 receive a New York State Department of Education Archives Grant in the amount of \$2,481.00 to be used for digitizing and preserving records; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board appropriates these funds in the Records Management - Contractual line item using the Budget Journal entries as follows:

A3060	STATE AID –RECORDS MANAGEMENT	2481.00
A1460.4	Records Management -Contractual	2481.00

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

RESOLUTION # 71 of 2011 – Nationwide Retirement solutions review

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Town of Pembroke (the "*Model Plan*") and offers the Model Plan for adoption by local employers;

WHEREAS, the Town of Pembroke, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Pembroke;

WHEREAS, effective January 1st 2012 the Board amended the Model Plan to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Town of Pembroke has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Pembroke by adopting the amended Model Plan. **NOW, THEREFORE, BE IT**

RESOLVED, that the Town of Pembroke hereby amends the Deferred Compensation Plan for Employees of the Town of Pembroke by adopting the amended Model Plan effective January 1st 2012, in the form attached hereto as Exhibit A.

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

RESOLUTION # 72 of 2011- Approving the commitment of fund balances in accordance with Governmental Accounting Standards Board (GASB) statement no. 54

WHEREAS Reserve funds (which essentially are a legally authorized savings account for particular specific purposes) are an important component in the Town's financial planning for specific expenses, future projects, acquisitions and other lawful purposes; and

WHEREAS Town reserve funds must be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds; and

WHEREAS the Town of Pembroke shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Types Definitions; and

WHEREAS formal action of the Town Board that restricts, commits or assigns fund balance to a specific purpose should occur prior to the end of the reporting period, but the amount, if any, which will be subject to the constraint, may be determined in the subsequent period; **NOW, THEREFORE BE IT**

RESOLVED that the Pembroke Town Board authorizes the Town Supervisor to complete the following actions as necessary to comply with the requirements of GASB Statement No. 54:

- A. Restricted Fund Balances - restricted fund balances consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation.
- B. Committed Fund Balances - committed fund balances consists of amounts that are subject to a purpose constraint imposed by a formal action of the Town Board before the end of the fiscal year, and that require the same level of formal action to remove the constraint.
- C. Assigned Fund Balances - assigned fund balances consists of amounts that are subject to a purpose constraint that represents an intended use established by the government's highest level of decision-making authority, or by their designated body or official. The Town Board authorized the Town Supervisor to make a determination of the assigned amounts of fund balance. Assigned funds represent amounts intended to be used for a specific purpose. Assigned fund balances require same level of authority to remove the constraint; **BE IT FURTHER**

RESOLVED that the Town Board will assess the current financial condition of the Town and then determine the order of application of expenditures to which fund balance classification will be charged; and **BE IT FURTHER**

RESOLVED that the Town Supervisor will periodically review all restricted committed and assigned fund balances and will prepare and submit an annual report of all restricted, committed and assigned funds for the Town Board. The annual report shall include the following information for each reserve fund.

- A. The type and description of the reserve fund
- B. The interest earned on each reserve fund
- C. Capital gains of losses resulting from the sale of investments of the reserve funds
- D. The sum total increase and sum total decrease in the reserve funds
- E. The ending balance in the reserve funds at fiscal year end
- F. A summary statement of projected use and the need of the reserve funds

The Board shall utilize the information in the annual report to discuss reserve fund balances and to adequately maintain necessary funds for the Town's long-term financial planning. The Board will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund issues.

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

RESOLUTION # 73 of 2011 – Contract Renewal – PSI Disposal

RESOLVED, the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to enter into a renewal contract, for 2012, for the amount of \$1,769.43 with PSI Disposal, P.O. Box 188 Corfu NY 14036, for the scheduled Recycling and Refuge Collection at the Town Hall located at 1145 Main Rd., Corfu, NY 14036.

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

RESOLUTION # 74 of 2011 – Contract Agreement – TruGreen

RESOLVED, the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to enter into a contract agreement, for 2012, for the amount not to exceed \$2,956.00 with TruGreen, 40 Ridgeland Road, Rochester, NY 14623, for two (2) scheduled pesticide and fertilizer applications at the Town Park located at 8799 Alleghany Road., Corfu, NY 14036.

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

RESOLUTION # 75 of 2011 – Payment of Abstract # 13 of 2011

RESOLVED the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to make all payments and bills contained in Abstract # 13 of 2011.

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

RESOLUTION # 76 of 2011 – Abandonment of Paper Roads

RESOLVED that the Town Board of the Town of Pembroke hereby formally abandons all paper roads back to adjoining property owners within the Town of Pembroke.

Workshop

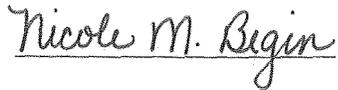
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On MOTION of Councilman Sformo, seconded by Councilman Worth, to adjourn the Workshop at 11:16 A.M.

ALL AYES – CARRIED

Respectfully Submitted,

A handwritten signature in cursive script that reads "Nicole M. Begin". The signature is written in black ink and is positioned above the printed name and title.

Nicole M. Begin
Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP AND END OF YEAR MEETING OF DECEMBER 29, 2011 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.