

MINUTES of the Pembroke Town Board Workshop held on January 26, 2012 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: Edwin F. Mileham, Supervisor
Peter Sformo, Councilman
John Worth, Councilman
Gary L. DeWind, Councilman

ABSENT: Edward G. Arnold, Jr., Councilman

OTHERS PRESENT: Stephen Stocking, Highway Superintendent; Nicole Begin, Town Clerk; Joe Teresi, Tompkins Insurance; Jack Bernard, Hillside Cemetery; Craig Wolcott; Cynthia Craig, NYS Cemetery Division; Mark Boylan, Town Attorney.

The Workshop was called to order at 7:35 A.M.

OLD BUSINESS

Route 33 Water - Supervisor Mileham informed the Board of all information that the Town has received from the Genesee County Health Department regarding well testing on Genesee Street, Route 33. Councilman Sformo is going to gather all the information that the Town has received so far for Route 33 to see if anything can be done to get water to those residents.

Sewer Project – Attorney Mark Boylan informed the Board that he spoke to Steve Hyde from the GCEDC regarding a contribution to the Village of Corfu for the sewer project. Mr. Hyde felt that a contribution of \$200k may be possible. New York State swept \$130,000.00 from the grant money that the Village of Corfu was awarded for the sewer project. Mr. Boylan also spoke with the Village regarding sewer rates for this project. Village Mayor Todd Skeet would like to charge a percentage of what their rate is. There will be more discussions with the village and Mr. Boylan regarding this.

Server/Software update - The new server has been installed. Andrew Wos from Alternative Solutions has been working closely with Mr. Worth to work out any issues that have come up. Councilman Worth and Mr. Wos will be working on switching to a new email system shortly to connect email addresses to position instead of to person.

Cemeteries - Cynthia Craig from NYS Division of Cemeteries explained that not-for-profit cemeteries are regulated by the NYS Division of Cemeteries. Ms. Craig said that if a cemetery under their jurisdiction becomes abandoned or can no longer function the municipality has an obligation to either take the cemetery over or help them with services or money according to the 165A amendment to the General Municipal Law. If a cemetery association comes to the Town for help they must provide their financials to the Board. There is no obligation for a municipality take over a private family or religious cemetery.

She informed the Board that the division of cemeteries does not regulate abandoned cemeteries that a municipality has taken over. The Town becomes the jurisdiction over abandoned cemeteries. The municipality can either keep the cemetery open and sell lots or close the cemetery and maintain the property although if there are any open contracts for sold lots then the municipality must honor those contracts. She said that some Town's have found that they can make money to maintain the cemetery through lot sales. Mr. Worth said that the Old Buffalo Road/Brick House Corners Cemetery lots have been sold for \$75.00 each since the Town took it over. Ms. Craig said that if the Town is selling lots for anything less than \$500-\$600 they are losing money. Raising the cost for cemetery lots should be done by Resolution.

Ms. Craig said that when the Town takes over a cemetery they have two years to apply for grant money earmarked for repairs from vandalism and tree maintenance. The Town will need a formal resolution to take an abandoned cemetery. The Town Board can create a committee to do the work for the cemetery ie. map out lots, sell lots, open graves, etc. The committee can be comprised of in-house employees or someone from the community.

Ms. Craig said that each Cemetery Association has a General fund and Permanent Maintenance Fund. They must file an annual report with NYS. The Permanent Maintenance Fund is a trust and cannot be breached, only the interest can be used. The fund was created by 10% of each lot sale by law. Since 2001 \$35.00 has to be allocated to that fund as well. The Town Attorney should get approval from the Supreme Court to breach that trust for the Town to use for the cemetery. The Town does not need to make those allocations to the State once they take an abandoned cemetery.

Ms. Craig has been in contact with Larry Casper from North Pembroke Cemetery regarding his intention to abandon the cemetery to the Town of Pembroke. Ms. Craig told Mr. Casper to first approach the Town and ask for help. If no help is provided she told Mr. Casper to put an article in the newspaper one time a week for three weeks to advertise a special meeting to reorganize the North Pembroke Cemetery Association. After that meeting if no interest has been made, the cemetery can then be formally abandoned by resolution of the cemetery association. Once the Town receives the resolution from the cemetery association the Town would then do two resolutions, one accepting the abandoned cemetery and one accepting the paperwork from the cemetery association. All three resolutions need to be forwarded to the NYS Division of Cemeteries. The North Pembroke Cemetery has had work done recently to repair headstones so grant money cannot be applied for.

The Board agreed to form a Cemetery Committee comprised of Councilmen DeWind and Councilman Sformo. The committee will work on a contract agreement with Jack Bernard for maintenance of the Old Buffalo Road/Brick House Corners Cemetery (OBR/BHCC) and if the need arises the North Pembroke Cemetery.

Jack Bernard suggested that the Town does not close the North Pembroke Cemetery because in his opinion it has many nice lots still available. The Committee will discuss if the need arises.

The Town Board agreed to do a resolution to increase the price of lots in the OBR/BHCC.

Councilman DeWind would like to get the head stones repaired at the OBR/BHCC. Craig Wolcott said that the average price for repairing stones is \$200-\$275. The Committee will work on getting that done.

Phone Review – Supervisor Mileham updated the Board on the information he received from the Phone Review Company. The company can save the Town approximately \$100.00 per month if we enter into a three year contract with Frontier. Phone Review will review the accounts for a period of 18 months and would take 50% of the savings for those 18 months after which the Town would keep the whole \$100.00 savings for the remainder of the three years. The Board decided to table the decision until they see the contract with Frontier.

Houseknecht Road – Mr. Boylan has been contacted by Lynn Wilkinson’s attorney regarding Houseknecht Road. Houseknecht Road was a paper street that was abandoned in 1957 by the Town and then re-dedicated by the Town in 1979. In 1979 the Town Board “accepted the rededication of Houseknecht Road with no maintenance to the Town”. The Town has never maintained Houseknecht Road. Lynn Wilkinson as sole property owner on that road has maintained it. Mr. Wilkinson is now thinking about selling and has questions as to how and if the Town will maintain the road for a new owner should that be a topic of debate and affect sale of the property. The road is no more than a narrow driveway used by no one but Mr. Wilkinson. The Town is going to check to see if the road is a deeded road. Town Clerk Nicole Begin will look for the deed information and get it back to Mr. Boylan. Mr. Boylan said that the way to go may be to abandon the road and then have Mr. Wilkinson talk to his neighbors and see if they would be willing to give or sell him their adjoining sections of the road. There are three property owners adjoining Houseknecht Road.

NEW BUSINESS

Intermunicipal Argeement from County – Supervisor Mileham received a letter and intermunicipal agreement from the County Treasurer’s Office. Mr. Mileham forwarded it to Attorney Mark Boylan for his review. Mr. Boylan explained that what the County is saying is that if the Town has someone who does not pay taxes for over a year, the County reimburses the Town fore those unpaid taxes. After three years the County has the option of foreclosure and when they foreclose they keep the revenue. If the Town must demolish a structure because it is zoned unsafe per the Town of Pembroke Zoning Law the Town can charge the property owner the amount it costs them to demolish. That amount would be placed on the property tax bill. When Town has to demolish a structure because it is listed as an unsafe building by Town Zoning Law and the amount of that demolition is tacked on to the tax bill but the property owner does not pay the taxes for a period of three years, the County will then foreclose but requests that the Town reimburse them the amount of demolition. The Board decided to hold off on signing the intermunicipal agreement for the time being.

Turnbull & PestRx Contracts - A Motion was made by Councilman DeWind seconded by Councilman Worth to renew the contract with Turnbull Heating and Air Conditioning for maintenance at the Town Hall and Corfu/Pembroke Court facility. The Board looked over the Turnbull contracts again and had some questions as to prices and what maintenance is done. The motion did not go to vote and the Board decided to table the resolution until they could review the contract further. A Resolution was done for the PestRx contract (see below).

Insurance - Mr. Teresi presented the Board with the insurance policies for Town coverage. He went over the six policies and explained the coverage.

The two main policies are with Selective Insurance Company. Mr. Teresi said that Selective Insurance has been a major player in the municipal market for many years and is a very stable company. One policy covers acts of negligence that don't result in property damage or bodily injury. It also covers decisions that the Board makes if they were not handled correctly. The second policy covers property damage, general liability, claims in negligence of bodily injury. As an example, this would cover an accident on a road if someone were to go through a stop sign and they claim that there was an issue with that intersection. Another example would be if the Town were to hire a contractor to do work at a town facility and the Town failed to transfer some of that risk to the general contractor and he sues the Town because he fell off the roof, the Town would be covered by this policy under general liability. Mr. Teresi said that when work is done for the Town, the Town should request Indemnity agreements from the contractor. There are extra coverage's built in to the policy to cover computers, etc,

The third policy covers crime insurance if someone within the Town's network were to take funds. Crime insurance is evolving. The County requests that all Tax Collectors have a bond big enough to cover the County's interest. This policy would also cover thieves that are able to access Town Computer systems to move money around. The cost of the first three policies are affected by two big factors – amount of Town's budget and number of road miles that are maintained by the Town.

The fourth policy is called "Excess Employers Liability Policy" which provides a layer of protection over and above the County's Workers Compensation Fund. If you're dealing with a serious injury covered under Worker's Comp. the County covers up to a certain level and this policy would kick in on top of that. Mr. Teresi said that the Town should put a list together showing the value of the Town's Highway equipment for coverage purposes.

Mr. Teresi said he has four properties listed on insurance policies and an endorsement for all owned locations. Town Clerk Nicole Begin will also get Mr. Teresi a list of all properties owned by the Town of Pembroke and what those properties are used for. Mr. Teresi advised the Board to get Hold Harmless clauses from the school, PYA and the Lydonville Tigers for extra coverage for their use of park property.

Mr. Sformo asked if the municipality is held to the scaffold law and Mr. Teresi said that it was. Mr. Sformo also asked if hunting on Town property and the use of liquor by private residents in the Community Center and Park is still covered. Mr. Teresi said that the Town is covered for hunting accidents and that the Town does not serve liquor but is covered for host liquor liability.

The fifth and sixth policies are two little policies called "OCP policies" which are risk transfer policies from other entities. One is for the NYS Thruway Authority for a waterline that runs along the thruway and the second is for NYS DOT for the Town's over weight vehicle insurance. NYS did away with that requirement because over weight vehicles are now covered by their own truck insurance coverage. This is only for Town vehicles that are over weight. Mr. Teresi will talk with Superintendent Stocking to see if the Town wishes to cancel that coverage.

ROUND TABLE DISCUSSION

Superintendent Stocking – Mr. Stocking said that the Highway Department is in desperate need of a new shop. He requested that the Board start taking a hard look at something for the next couple of years. The walls are slowly crumbling and the shop doors had to be fixed three times this winter.

The Town could possibly save \$100,000.00 on overtime and salt this year due to the lack of snowfall so far this winter. Things could still change as winter is far from over.

The culvert ditch is finally finished behind Bill Joyce's property. This has been a work in progress and the water table has probably dropped two feet.

Supervisor Mileham – Mr. Mileham stated that he would like to secure the Town Hall. The locks have not been changed in many years and no list of key holders can be found so there is no way to tell who has keys to the Town Hall. Also, the Board room door needs repair and has a gap at the bottom and cannot be unlocked with a regular key. The roof over the generator has to get built and the window in the Town Clerk's office need repair due to leaky seal.

Mr. Mileham requested a quarterly report from the GCEDC regarding the work being done and money that the Town has given them.

Councilman Sformo – Mr. Sformo asked whether the Town should request a state audit since there is a lot going on in the Village. Mr. Worth said at the last State Comptroller's conference they were told that due to the amount of the audits that the state is doing right now one may not be done any time soon until you come up on their list. Councilman DeWind asked why we would need to since an outside company audits the books every year. Mr. Worth said that the Town has had some small state audits done over the last couple of years and with everything going on in the Village he would not be surprised if we didn't get audited in the next few years. Mr. Worth will get to work on updating the employee handbook before a call is made.

Councilman DeWind – Mr. DeWind received two calls from residents on Evergreen Drive saying that the plow driver has been tearing up the lawn when making the turn around. Mr. Stocking said they will repair the grass but it will be done when spring is here and the threat of snow is gone so that it does not need repair each time the plow truck has to be out. Mr. DeWind is going to contact 77 Construction to get a quote for the roof over the generator, the repair of the window in the Town Clerk's office and the re-keying of the doors at the Pembroke Town Hall. Mr. DeWind is also going to get three quotes on the installation of batting cages at the Town Park.

RESOLUTIONS

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

RESOLUTION # 3 of 2012 – Contract Renewal - PestRx

RESOLVED, the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to enter into a renewal contract, for 2012, with Pest Rx, 4752 Shisler Road, Clarence, New York 14031 for the scheduled pest control at the Town Hall located at 1145 Main Road., Corfu, New York 14036, and the Community Center located at 116 E. Main Street Corfu, New York 14036, for the year 2012.

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

RESOLUTION # 4 of 2012 – Increase the price of cemetery lots in Old Buffalo Road/Brick House Corners Cemetery

RESOLVED, that the Town Board of the Town of Pembroke will increase the purchase price of cemetery lots in the Old Buffalo Road/Brick House Corners Cemetery from \$75.00 to \$550.00 beginning January 26th, 2012.

On MOTION of Councilman DeWind, seconded by Councilman Worth, to adjourn the Workshop at 11:00 A.M.
ALL AYES – CARRIED

Respectfully Submitted,

Nicole M. Begin

Nicole M. Begin
Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP OF JANUARY 26, 2012 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.