

MINUTES of the Regular Meeting of the Pembroke Town Board held on February 8, 2012 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: Edwin Mileham, Supervisor
John Worth, Councilman
Gary De Wind, Councilman
Edward G. Arnold, Jr., Councilman
Peter G. Sformo, Councilman

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Thomas Schneider, Chairman ZBA; Michael Herec, Planning Board Vice Chairman; Shellye Dale-Hall, Zoning & Codes.

Deborah Conti gave the invocation; a special prayer was offered for James M. Mohn, retired Pembroke Town Justice for 27 years who passed away on Friday February 3rd, 2012

Supervisor Mileham led the Pledge to the Flag.

The meeting was called to order at 7:04 P.M.

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind, to approve the Minutes of the Regular Meeting January 11th, 2012 and the Workshop Meeting January 26th, 2012.
ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR

- Assessor Deborah Conti reported that approximately 70% of exemptions have been returned to her office. As it gets closer to March 1st her office will send out 2nd reminders.

ZONING & CODES ENFORCEMENT

- Mrs. Dale-Hall reported that the Zoning office has one new referral for Yancey's Fancy and that they have received two new complaints in the month of January. They also will be contacting the Town's engineer to have a look at the Clean Energy plans that Pilot Oil is proposing before it goes to the Planning Board. Mrs. Dale-Hall said her department is also working on getting Yancey's Fancy in compliance regarding the height of their silo.

HIGHWAY

- Mr. Stocking said that as long as the winter stays mild the Town would stand to save some money on overtime and salt.
- Mr. Stocking reported that the ditch in East Pembroke behind the home of Bill Joyce is complete. Mr. Joyce offered to seed the area and Mr. Stocking will supply Mr. Joyce with grass seed in the spring.

TOWN CLERK

- Mrs. Begin reported that Town Clerk's office has been very busy with tax collection. Out of 1837 tax bills only 293 bills still remain unpaid. During the month of January there was only one bounced check. Mr. Worth asked the Board what their feelings were about charging fees to persons with bounced checks. At the current time the Town is not charged with a bounced check fee so we do not pass it on to the residents. Mr. Worth said that for all the work, phone calls and time spent by the tax collector maybe we should be charging a bounced check fee. The Board agreed to let the Audit and Finance Committee work on it.

PLANNING BOARD

- Mr. Herec stated that there were two items considered at the last Planning Board meeting on January 25th. One was a land merger on Gabbey Road and the other was rescinding a special use permit on Genesee Street. There will most likely be more special use permits rescinded at the next Planning Board meeting. Mrs. Dale-Hall said that the Zoning Department is compiling a comprehensive list of all special use permits. Property owners with special use permits must renew them every year at no cost. If the special use permits are not renewed the Town will assume that they are no longer needed and will rescind them.
- Mr. Herec also reported that he received a letter from RC Pulsers, the model airplane group on Knapp Road, stating that they want to cooperate with the neighbors regarding any complaints. In the spring when they start back up they will conduct sound checks at their own expense. This item will be reviewed by the Planning Board in the spring when Chairman Richard Kutter is back.
- Mr. Herec said that the information on Clean Energy was given to the planning board members at their last meeting for review. No decisions were made as they felt they would like time to look things over. The Planning Board will review the site plan at the next meeting on February 29th, 2012 and final approval may or may not be given. The Planning Board would like to see a letter from the Pembroke and Indian Falls Fire Departments stating that they see no problems with the Clean Energy project and the Planning Board would like to see what if anything the Town Engineer will have to say about it. Pilot Oil is also going to need to re-negotiate the easement they have with Repicci. County Planning gave their approval.

ZONING BOARD OF APPEALS

- Mr. Schneider reported that ZBA approved a variance for the Clean Energy project at their January meeting. The height of the silo is the only thing that is still being considered by the ZBA.
- In February the ZBA is going to look at the variance for the silo at Yancey's Fancy to get them in compliance.

JUSTICES

- No Reports submitted at this time.

SUPERVISOR

- Reports have been submitted and filed.
- Mr. Mileham working on getting the Town Clerk access to her accounts online.

COMMITTEE REPORTS**Audit, Finance, Insurance, Investment & Purchasing** – John Worth & Ed Mileham

- Supervisor Mileham reported that Freed Maxick and Battaglia will be at the Town Hall in March to do the annual audit.

Mr. Mileham spoke with Joe Teresi from Tompkins and they cancelled the insurance for overweight vehicles which is now covered by the truck insurance. The savings will be \$286 annually.

Building & Grounds, Highway, Assessment, Court – Gary DeWind & Ed Arnold

- Councilman DeWind said that the Court door was broken by high winds on January 28 but the repair has been made. Mr. DeWind will check to make sure everything was done correctly.

The roof over the generator has been looked at and a proposal has been made by 77 Construction. The rafters will be enclosed to keep the birds out. The security posts will be installed at the same time.

The Town hall building has been re-keyed with secure keys that cannot be reproduced without authorization. The only way to get extra keys made would be to have an authorized signer write a letter on Town letterhead asking for extra keys to be made and the keys can only be made by the company that provided them to us.

The door to the Board room is going to be repaired as well as the window in the Town Clerk's office.

Planning, Zoning, Code Enforcement, Public Safety - Ed Mileham & Ed Arnold

- No report at this time.

Public Services, Water, Sewer, Refuse/Recycling, Economic, Intermunicipal, & Community Development – Gary DeWind & Peter Sformo

- Councilman DeWind and Councilman Sformo are going to compose a letter to the residents on Genesee Street. They will present the letter to the Board before sending it out. The Town was informed by the Genesee County Health Department that the five failed wells on Genesee Street are failing due to inadequate maintenance, age or improper initial install. The Committee will have more to report at the Workshop meeting.

Youth Recreation, Parks and Land Acquisition - Gary DeWind & Ed Arnold

- Mr. DeWind received quotes for the installation of batting cages at the Town Park.

Mr. Arnold has been working on getting some questions answered regarding the original park grant that the Town received in 2004 or 2005. NYS is still holding on to \$10,000.00 of that park grant until the questions are answered. Mr. Mileham has a meeting with the grant writers regarding this on February 9, 2012.

Human Resources/Benefits – Ed Mileham & Ed Arnold

- Mr. Mileham spoke with Joanne McInerney who is our Health Care Insurance representative from Tompkins Insurance. She will be in to discuss any insurance questions that the employees may have regarding their coverage.

Cemeteries – Gary DeWind & Peter Sformo

- Mr. DeWind received a letter from Jack Bernard acknowledging the Town's interest in having him manage the Brick House Corners/Old Buffalo Road Cemetery. Mr. Bernard is asking for \$1,000.00 per year to do this.

Mr. DeWind said that The Sign Shop can make the sign for the Richville Pioneer cemetery on Back street if the Town Board approves it.

IT – Councilman Worth said that the new server is in and the software is installed. He is currently testing three new emails and hopes to eventually switch all users over to a townofpembroke.org address. The Docuware program should be in next week if all goes well.

OLD BUSINESS

Councilman Arnold spoke with the cleaners regarding the Community Center. They clean the Court areas on Monday and Thursday's and check the Community Center and clean if needed. Superintendent Stocking said he can check the Community Center after use to check if the hall is clean and nothing is missing. The committee is still working on a solution for the Community Center.

Supervisor Mileham said that he received the Frontier Contract from the Phone Review Company. He reviewed the contract with the Board. The company-Phone Review, 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 agreed to go ahead with the contract.

A **MOTION** was made by Councilman Sformo, seconded by Councilman Arnold that the Town enter into a contract with Frontier through the assistance of Phone Review for a period of three (3) years. **ALL AYES - MOTION CARRIED**

Supervisor Mileham informed the Board that the Turnbull contract had not increased in price this year for 2012.

Supervisor Mileham received a reply from Corfu Fire Department Commissioner McMartin regarding the Corfu Fire District 2 year Lease agreement with the Town. The contract presented to the Fire District has a 3% increase from 2011. The Board decided to extend the old lease agreement for one year at the 2011 price and then look into recalculating the price the following year with a new lease agreement. Mr. Mileham will contact Mark Boylan to see what the Town will need to do for the extension.

NEW BUSINESS

Mr. Mileham reported that he has received the bill from 77 Construction to repair the Board room door and the Town Clerk's office window for a cost of \$1,145.00.

The Town has been contacted Troy and Banks. They have done work for the Town in the past. They are much like Phone Review except that they look into electric and gas utility bills and try to find savings for the Town.

A **MOTION** was made by Councilman DeWind, seconded by Councilman Arnold to allow Town Supervisor Mileham to sign paperwork to have Troy and Banks look in to the Town's utility bills. ALL AYES - MOTION CARRIED

The Town received a letter from the Village of Corfu thanking the Town for their cooperation with Corfu Winterfest which turned out to be an overall success.

PUBLIC PARTICIPATION ~ None

RESOLUTIONS

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 DeWind, AYE; Supervisor Mileham, AYE. ALL AYES - MOTION CARRIED

RESOLUTION # 5 of 2012 – Purchase of truck chassis & hoist body

WHEREAS the Town Board of the Town of Pembroke authorized Highway Superintendent Stephen Stocking to purchase a new truck chassis and hoist body off of State contract to replace the oldest truck in the Town's fleet; and

WHEREAS the purchase price for a complete package is not to exceed \$200,000.00; **NOW, THEREFORE BE IT**

RESOLVED, that the Town Board authorizes Highway Superintendent Stephen Stocking to purchase from State contract one (1) truck chassis and hoist body. This Resolution shall be subject to a permissive referendum, as required by Town Law.

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 DeWind, AYE; Supervisor Mileham, AYE. ALL AYES - MOTION CARRIED

RESOLUTION # 6 of 2012 – Standard Work Day and Reporting

BE IT RESOLVED that the Town of Pembroke hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employee’s Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

****SEE ATTACHED****

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 DeWind, AYE; Supervisor Mileham, AYE. ALL AYES - MOTION CARRIED

RESOLUTION # 7 of 2012 – Contract Renewal – Turnbull Heating & Air Conditioning

RESOLVED, the Town of Pembroke Town Board, authorizes the Pembroke Town Supervisor to enter into a renewal contract, for 2012, with Turnbull Heating & Air Conditioning of 50 Franklin Street, Batavia, New York 14020, for the scheduled maintenance of the Town of Pembroke Community Center, located at 116 E. Main Street, and the Town Hall located at 1145 Main Road, Corfu, New York 14036.

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 DeWind, AYE; Supervisor Mileham, AYE. ALL AYES - MOTION CARRIED

RESOLUTION # 8 of 2012 – Contract for Shared Services of Highway Department

WHEREAS, the Town of Pembroke Superintendent of Highways reported that the Town of Pembroke Highway Department currently shares equipment, materials and Services with other Genesee County municipalities and neighboring counties on an informal bases and to be in compliance with New York State Highway Law and General Municipal Law continue the Town of Pembroke is required to adopt an agreement formalizing this agreement, and

WHEREAS, The Superintendent of Highways reported that municipalities, including the Town of Pembroke, have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, The Superintendent of Highways reported that it has been determined that the Town of Pembroke and other municipalities have machinery and equipment which are not used during certain periods and have stored materials and supplies which are not immediately needed, and

WHEREAS, It has been determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Pembroke and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving taxpayers money, and

WHEREAS, It is the intent of the Town of Pembroke to give the Town of Pembroke Superintendent of Highways the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities or government agencies without the necessity of obtaining approval of the City/County/Town/Village/Government governing board prior to the making of each individual arrangement, and

WHEREAS, The Superintendent of Highways has presented an agreement which is expected to be adopted and placed into effect in other municipalities and will grant the person holding the position comparable to that of the head of the highway department authority to make such arrangements and has requested approval of this agreement by the Town Board of the Town of Pembroke, and

WHEREAS, The Town Board of the Town of Pembroke has determined that it is in the best interest of the Town of Pembroke to be a party to such a shared services arrangement and does concur with this recommendation; **NOW, THEREFORE, BE IT**

RESOLVED, that the Supervisor of the Town of Pembroke is hereby authorized and directed to execute the Highway Shared Services Agreement which shall be effective immediately for a two (2) year term through January 10, 2014 with a clause to allow two (2) additional year term (2) year renewals, and **BE IT FURTHER**

RESOLVED, that the Highway Superintendent of the Town of Pembroke is authorized and directed to file a copy of the Highway Shared Services Agreement with the Superintendent of Highways/Superintendent of Public Works of each municipality/government agency within the County of Genesee and Neighboring Counties.

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 DeWind, NAY; Supervisor Mileham, AYE. **FOUR AYES – ONE NAY ~ MOTION CARRIED**

RESOLUTION # 9 of 2012 – Town of Pembroke Representation by Stephen Hawley

WHEREAS, Due to redistricting by State officials the Town of Pembroke may lose its representation by New York State Assemblyman Stephen Hawley who himself is a Genesee County resident; and

WHEREAS, the Town of Pembroke being in Genesee County is the only Town within Genesee County that may lose representation by Stephen Hawley as a result of this redistricting; and

WHEREAS, the Town of Pembroke’s interests are better aligned with Genesee County than Erie County; and

WHEREAS, The Town Board of the Town of Pembroke feels that the boundaries of the redistricting should be no less that County lines; **NOW, THEREFORE BE IT**

RESOLVED that the Town Board of the Town of Pembroke would like to maintain continuity by retaining New York State Assemblyman Stephen Hawley as a representative for the Town of Pembroke within Genesee County.

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

Mr. DeWind was opposed to the resolution because he felt that it was not worded strongly enough.

RESOLUTION # 10 of 2012 – Highway Superintendent Conference Attendance

WHEREAS Steven Stocking, Highway Superintendent, is requesting permission to attend the New York State Highway Superintendent’s Association Meeting on March 6 & 7, 2012 in Albany, New York for the purpose of lobbying for CHIPs monies; and

WHEREAS monies for this Conference are in the 2012 budget; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board grants permission to Steven Stocking, Highway Superintendent to attend the above mentioned meeting.

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; Supervisor Mileham, AYE. ALL AYES - MOTION CARRIED

RESOLUTION # 11 of 2012 – Town Clerk Conference Attendance

WHEREAS Nicole M. Begin, Town Clerk, is requesting permission to attend the New York State Town Clerks Conference April 22nd to April 25th, 2012 in Saratoga, NY; and

WHEREAS monies for this Educational Conference are in the 2012 budget; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board grants permission to Nicole M. Begin, Town Clerk, to attend the above mentioned Educational Conference.

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

RESOLUTION # 12 of 2012 – Appropriation of Fund Balance

WHEREAS, the Town of Pembroke has adequate Unappropriated Fund Balance and does not anticipate other need for these funds; and

WHEREAS, the Town of Pembroke has due to maintenance responsibilities found it necessary to clean a drainage ditch for which it is responsible and that was not anticipated in the 2012 Town of

Pembroke Budget does create line A8540.4 COMMUNITY ENVIRONMENT –DRAINAGE for this expenditure and appropriate the necessary funds; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board of the Town of Pembroke amend the 2012 Budget of the Town of Pembroke to appropriate \$5,800.00 of said unappropriated fund balance by increasing the following line items as indicated:

Debit A599	APPROPRIATED FUND BALANCE	\$5,800.00
Credit A8540.4	COMMUNITY ENVIRONMENT – Drainage	\$5,800.00

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 DeWind, AYE; Supervisor Mileham, AYE. ALL AYES - MOTION CARRIED

RESOLUTION # 13 of 2012 – Manager of Brick House Corner/Old Buffalo Road Cemetery

RESOLVED, The Town Board of the Town of Pembroke approves Jack Bernard to manage one cemetery that the Town of Pembroke maintains. This cemetery to be managed is the Brick House Corners/Old Buffalo Road Cemetery.

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 DeWind, AYE; Supervisor Mileham, AYE. ALL AYES - MOTION CARRIED

RESOLUTION # 14 of 2012 – Payment of Abstract # 15 of 2011 and Abstract # 2 of 2012

RESOLVED the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to make all payments and bills contained in Abstract # 15 of 2011 and Abstract # 2 of 2012.

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind, the following **RESOLUTION** was **NOT ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Worth, NAY; Councilman Sformo, NAY; Councilman DeWind, AYE; Supervisor Mileham, NAY.

TWO AYES – THREE NAYS ~ MOTION NOT CARRIED

RESOLUTION # 15 of 2012 – Purchase Town Park Batting Cages

WHEREAS, Councilman DeWind obtained three proposals for the installation of two (2) batting cages at the Pembroke Town Park; and

WHEREAS, the prices were as follows: Excel Fence -\$8,317.00, Bob Dun Const. - \$9,434.00 and L Breton Const. - \$8,962.00; and

WHEREAS, the Town Board of the Town of Pembroke accepts the lowest bid; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board of the Town of Pembroke authorizes the purchase of the installation of batting cages from Excel Fence in the amount of \$8,317.00 at the Pembroke Town Park.

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 DeWind, AYE; Supervisor Mileham, AYE. ALL AYES - MOTION CARRIED

RESOLUTION # 16 of 2012 – Purchase of Sign for the Richville Pioneer Cemetery

RESOLVED that the Town Board of the Town of Pembroke authorizes the purchase of a sign for the Richville Pioneer Cemetery located on Back Street. Sign to be purchased from The Sign Shop, 756 Main Road, Corfu, New York not to exceed \$3,000.00.

On **MOTION** of Councilman Sformo, seconded by Councilman Arnold, to adjourn the meeting at 9:22 P.M.

ALL AYES – CARRIED.

Respectfully submitted,

Nicole M. Begin

Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF FEBRUARY 8, 2012 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.