

**MINUTES** of the **Regular Meeting** of the Pembroke Town Board held on **April 11, 2012** at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

**ABSENT:** Gary L. DeWind, Councilman

**OTHERS PRESENT:** Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Richard Kutter, Planning Board Chairman; Michael Herec, Planning Board Vice Chairman; Tom Schneider, ZBA Chairman; Richard Doktor, ZBA; Tom Carpenter, Clark Patterson Lee; Mark Boylan, Town Attorney; Bruce Fauth, Michele Sformo, Linda Tucker, Gregory Lang, Ed Fauth, and Cathy Skeet.

Deborah Conti gave the invocation & Supervisor Mileham led the Pledge to the Flag.

The meeting was called to order at 7:06 P.M.

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The **Public Hearing** to enter into a new lease agreement with the Corfu Fire District, was called to order at 7:07 P.M. Nicole Begin reported she had the Notice of Public Hearing as printed in the Daily News as well as the Affidavit of Posting posted on the Town's bulletin board.

**PUBLIC HEARING  
CORFU FIRE DISTRICT LEASE AGREEMENT**

Supervisor Mileham explained that this public hearing is regarding the new lease agreement that the Town Board has put together for the Corfu Fire District.

The floor was opened to the public & Town Board for comments or suggestions.

Bruce Fauth representing the Corfu Fire District read a statement from the Fire District. The Fire Department did not have much time to look over the new lease agreement. Mr. Fauth said that the proposed increase will put the fire district's budget over the 2% tax cap increase required by the state. He also reminded the board that Corfu fire District residents are also Town tax payers. The Fire District believes that they should pay their fair share. The District believes that the rental rates that the Town is using for comparison should not apply to municipalities as these rates apply to profit making businesses. The District is sure that the Town is not trying to make a profit from the fire district. The Fire District questioned how and where the additional square footage was calculated and why the contract had such a huge 17% increase in rent.

Linda Tucker wanted to reaffirm that the Corfu Fire District cannot handle a 17% increase in one year. She wondered whether the Town could increase the rent spread out over a few years or left the way it is.

Greg Lang said he believes that the increase in rent would affect the community because it would take away from the Fire District's budget to purchase equipment needed to help save lives. He has been left to understand that the Town is going to make money off of the Fire District and it shouldn't be done.

Ray Zwolinski who is a member of the Corfu Fire District believes the Corfu Fire Department serves the community without reserve and asked that the Town take that into consideration.

On **MOTION** of Councilman Worth, seconded by Councilman Sformo, to close the Public Hearing at 7:13 P.M.  
ALL AYES - MOTION CARRIED.

Everyone being heard that wished to be heard the public hearing was declared closed.

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**PUBLIC INFORMATIONAL MEETING  
PEMBROKE SEWER DISTRICT**

Tom Carpenter, Civil Engineer from Clark Patterson Lee gave a presentation of the proposed sewer district. He handed out maps of the sewer project and went over the handout in detail.

Mr. Carpenter explained that the Town received DEC grant money for the project due to the concern for failing septic systems and he explained how the grant money will be used. The grant also stated that it was to serve the most residents possible so part of Route 5 was added. He said that there will be a debt service and explained how it was calculated. He also said the costs could be lower based on more homes or businesses being added to the district and depending on what construction costs come in at.

The homeowner will be responsible for the connection to the right-of-way line and home. They will also be responsible for abandoning their septic system within an allotted time frame.

A Public Hearing will be required for sewer district formation. A finalized contract with the DEC will need to be done as well.

Mr. Carpenter answered some questions regarding the debt service and whether or not the residents will get to vote on the project. Mr. Carpenter said that will depend on the district formation process. The Town will get an understanding of what the interest level is and then the Town can decide to form the district under permissive referendum. One resident questioned why out of district residents would get financial help to pay for grinder stations and district residents would not get any help. Mr. Carpenter explained that the out of district residents on Route 77 between Cohocton Road and the Village of Corfu are not in a gravity fed area and all of those homes would require grinder stations to hook up to the line. Those residents could possibly get a dual grinder station at the property line to split with the adjoining property owner.

Another resident asked if the project was going forward to help the industrial parks or if it was to help failing septic systems because he thought it would be cheaper to replace all of the resident's septic systems rather than put in a sewer line. Mr. Carpenter said that in addition to the DEC grant the Town will also receive an economic development grant to help with sewer for the industrial parks.

A resident asked if there were plans for the future as far as further sewer development. Mr. Carpenter explained that the direction that the sewer line is taking down Route 5 may help residents in the hamlet of Pembroke in the future. The current project took between 6-10 years to get grant funding so future projects could take quite a few years more, if at all. One Village resident asked if the current plant in the Village could handle the addition of another project in the future. Mr. Carpenter said that additional upgrades to the plant would be needed for addition of future projects and should be paid for by grant money. The current project could be operational within a year.

School Superintendent Matt Calderon said that the septic system at the high school is failing and if this project does not happen the cost to replace the schools system could be astronomical. It will be the responsibility of the tax payers one way or another to pay for it.

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On **MOTION** of Councilman Arnold, seconded by Councilman Worth, to approve the Minutes of the Regular Meeting March 14<sup>th</sup>, 2012 and the Workshop Meeting March 22<sup>nd</sup>, 2012 with amendments to what was posted to the website.  
ALL AYES - MOTION CARRIED.

## **DEPARTMENT REPORTS**

### **ASSESSOR**

- Assessor Deborah Conti spent a couple of days canvassing new construction projects for reassessment.

### **ZONING & CODES ENFORCEMENT**

- Reports submitted and filed. Supervisor Mileham went over the reports. He also said that there is one complaint item that is currently being handled by the Batavia Town Court because the Pembroke Town Court would like to remain impartial.

### **HIGHWAY**

- Superintendent Stocking spoke with New York State DOT and the Pembroke highway department will still do the mowing on Town, County and State roads within the Town. The State will now do the sweeping. The Board agreed that Superintendent Stocking and Supervisor Mileham should sign the agreement.

- On Saturday April 28<sup>th</sup> the Genesee County Sheriffs department will be doing a prescription drug drop off at the Town highway garage between 10:00 A.M. until 2:00 P.M.

#### TOWN CLERK

- Town Clerk Nicole Begin said that 112 unpaid tax bills have been returned to the County.
- Mrs. Begin and Councilman Worth are working on the acceptance of credit cards in the Town Clerk's office. At this time M&T said they were unable to provide the Town with a counter terminal. Tim Fancher from GenesisPPG gave the Town a proposal for Govteller. From advisement of Supervisor Mileham, Mrs. Begin is going to get proposals from a couple of other vendors at the Town Clerks conference and we will decide from there.

#### PLANNING BOARD

- Mike Herec explained the four items that were on the Planning Board agenda for March. There was a sign for J&J Truck wash, two items for Bailey Electric for a site plan and special use permit. All three were approved. One item for Clean Energy was given a preliminary approval. Mr. Herec said that the Town's engineers are working on the Clean Energy project at the cost of Clean Energy.
- Richard Kutter said that the Planning Board is almost ready to make a referral to the Town Board for a Zoning Change to the Zoning Law for non-commercial wind energy systems.

#### ZONING BOARD OF APPEALS

- No report at this time. The ZBA meeting for March was cancelled and is also cancelled for April. There will be a meeting in May.

#### JUSTICES

- Monthly reports were submitted and filed.
- Supervisor Mileham went over the Justice reports for the month of March.

#### SUPERVISOR

- Supervisor monthly reports were submitted and filed.
- Mr. Mileham said that the sewer project is moving along at a snails pace.
- The Buffalo East Technology Park plans are moving along.

### COMMITTEE REPORTS

#### Audit, Finance, Insurance, Investment & Purchasing – John Worth & Ed Mileham

- Councilman Worth said that the Town could use a few helping hands for the Bicentennial Opening Day Ceremony on Saturday June 9<sup>th</sup> at the Pembroke Town Park.

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

- Councilman Arnold said that the roof over the generator should be up soon. We are waiting for a report from Councilman DeWind.

**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

- No report at this time.

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

- Councilman Arnold is working with the Town Clerk to get a meeting together with the Youth Recreation Director Donna Fix. Mrs. Begin said that employment applications are being picked up and the budget has been submitted.

**Human Resources/Benefits** – Ed Mileham & Ed Arnold

- No report at this time.

**Cemeteries** – Gary DeWind & Peter Sformo

- No report at this time.

**IT** – John Worth

- The new emails are almost all switched to townofpembroke.org.

**OLD BUSINESS**

**The roof over the generator-Community Center** – Still being worked on.

**The Corfu Fire District Hall Lease** –

On MOTION of Councilman Sformo, seconded by Councilman Worth, to table the discussion and Resolution of the Corfu District Lease Agreement until the Town Board Workshop meeting on April 26<sup>th</sup>.

ALL AYES - MOTION CARRIED.

**Audit Report from Freed Maxick & Battaglia** - There will be a report at the Workshop meeting from auditor Laura Landers from Freed Maxick & Battaglia regarding the 2011 Audit.

**Intermunicipal Agreement with Genesee County** – Attorney Mark Boylan and Supervisor Mileham spoke with Matt Landers in the County Treasurer’s office regarding the Intermunicipal Agreement with the County. It is an agreement with the County that states that if the County needs to demolish a property due to Town Zoning Law because the property is up for tax auction due to non-payment of taxes the County can bill the Town. County Legislators have already voted to pass this. The county would give the Town time to budget for those expenses if need be.

**NEW BUSINESS**

**Cemetery Mowing** – The North Pembroke Cemetery has given the Town a Resolution abandoning the North Pembroke Cemetery. The Town will do a Resolution tonight to accept the cemetery. The Town will also need to make a motion to get the North Pembroke Cemetery mowed as soon as possible.

**PUBLIC PARTICIPATION**~

See Public Hearing & Public Informational meeting.

Mrs. Mruczek of Alleghany Road said that the traffic coming out of the park is dangerous. She said that most of the traffic on the Alleghany don't know that the park entrance is there and don't expect it when the cars fly out of the driveway. Highway Superintendent said that the State is widening the entrance to the park and he will also see if he can get signs put up notifying drives on Alleghany Road of a park entrance ahead.

Mrs. Sformo asked why the Town park sign is so small. Mr. Stocking said that we are waiting for the State to finish their work on Alleghany and at the entrance to the park before the Town will put up a nicer sign. Dave Saleh asked if the State controls signs put up on State Highways. Mr. Stocking said that they will put them up but the Town usually has to repair them if they are hit.

Mr. Waff wondered why the Town is putting a roof over the generator. Councilman Arnold said that large icicles hang from the eaves in the winter and they want to protect the generator should one fall onto it.

Mr. Lang asked if a stripe could be put on the parking lot at the Town Park because people are parking in every direction. Highway Superintendent Stocking said that because the parking lot is made of millings and loose stone a line would not hold up after just one use. Village Mayor Town Skeet said that the school has some paint left over from a couple of years ago given to them by the Town. Mr. Stocking will call Mike Nuwer at the school to see if they have any paint left to paint a temporary line in the lot. Councilman Arnold said that the Town is looking into putting in another small parking lot because the Park is getting used so much.

Village Mayor Skeet also asked the Board if they would get together with the School and PYA to work on conflicts with use of fields and pavilions in the Town Park for 2012. Mr. Skeet also said that the PYA would like to have a park cleaning day at the park to clean up and set up bleachers.

Mrs. Sformo asked why she has to reserve the pavilions through the Town and the fields through the school and Why the school and PYA have first priority over a town resident that wants to use the fields for a family function. She said she should have as much access as anyone else and that it is odd that she should have to go through the school for one thing and the Town for another. Councilman Arnold said that was something that was set up when the park first opened. The school handles all the park maintenance of the ball fields and mowing of the Town Park.

At the time when this was first set up, the board felt that the Town would be a little overwhelmed handling all the scheduling. There have been no complaints so far because the School and PYA are usually done by July. This is a concern for the Town and Mr. Arnold would like to work on it with all groups involved.

Mr. Zwoliniski asked if there has been any more news about the moving of the Toll Barrier. Mrs. Begin said that the Town has not received any new updates for quite a few years.

## **RESOLUTIONS**

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; Supervisor Mileham, AYE.  
ALL AYES - MOTION CARRIED

### **RESOLUTION # 25 of 2012 - Contract Renewal ~ Doritex Corporation**

**RESOLVED** the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to enter into a renewal contract with, Doritex Corporation of 11980 Walden Avenue, Alden, NY 14004 for the scheduled maintenance of highway uniforms, mat and textile products for the Town of Pembroke Community Center, located at 116 E. Main St., and the Pembroke Town Hall located at 1145 Main Rd., Corfu, NY 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; Supervisor Mileham, AYE.  
ALL AYES - MOTION CARRIED

### **RESOLUTION # 26 of 2012 – Municipal Agreement – New York State DOT Extended Snow & Ice Amendment**

**RESOLVED**, that the Town Board of the Town of Pembroke hereby authorizes the Supervisor to sign the “Agreement to Extend Indexed Lump Sum Municipal Snow and Ice Agreement” between the New York State Department of Transportation and the Town of Pembroke for the 2013/14 contract year with an expiration date of June 30, 2014.

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; Supervisor Mileham, AYE.  
ALL AYES - MOTION CARRIED

**RESOLUTION # 27 of 2012** – Genesee County Multi-Jurisdictional All-Hazard Mitigation Plan for the Town of Pembroke

**WHEREAS**, the Town of Pembroke, with the assistance from the Genesee/Finger Lakes Regional Planning Council and Genesee County Emergency Management, has gathered information and prepared the Genesee County Multi-Jurisdictional All – Hazard Mitigation Plan; and

**WHEREAS**, the Genesee County Multi-Jurisdictional All – Hazard Mitigation Plan has been prepared in accordance with FEMA requirements at 44 C.F.R.201.6; and

**WHEREAS**, the Town of Pembroke is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

**WHEREAS**, the Pembroke Town Board has reviewed the Plan and affirms that the Plan will be updated no less than every five years; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Pembroke hereby adopts the Genesee County Multi-Jurisdictional All – Hazard Mitigation Plan as this jurisdiction’s All – Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

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; Supervisor Mileham, AYE.  
ALL AYES - MOTION CARRIED

**RESOLUTION # 28 of 2012** – Hawley - Albany Conference

**WHEREAS**, a request has been made by Supervisor Mileham to accompany Assemblyman Steven Hawley to a Conference to be held in Albany May 6 – 8, 2012,  
**NOW, THEREFORE, BE IT**

**RESOLVED** that, the Town of Pembroke hereby approves the request to attend the above referred to conference.

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; Supervisor Mileham, AYE.  
ALL AYES - MOTION CARRIED

**RESOLUTION # 29 of 2012** – Accepting the Conveyance of North Pembroke Cemetery premises and transfer of assets

Town of Pembroke, County of Genesee, State of New York

**WHEREAS**, there has been established in the town a cemetery known as the North Pembroke Cemetery Association, Inc., which association maintains a public cemetery on North Pembroke Road in Pembroke, Genesee County, New York, and owns real property in said Town, and

**WHEREAS**, said association has under its care certain funds for perpetual care, permanent maintenance, special trust, general fund, deposited in banks; and

**WHEREAS**, the association has been and still is unable to procure sufficient income from above investments, the members of the association and from the representatives of the deceased persons interred in the cemetery; and

**WHEREAS**, the cemetery association has requested that the Town of Pembroke pursuant to Section 1506 (j) of the Not-for-Profit Corporation Law, accept the conveyance of the cemetery premises and transfer of assets; **NOW, THEREFORE, BE IT**

**RESOLVED**, That the Town of Pembroke accepts the conveyance of the cemetery premises and the transfer of the assets from the cemetery association, such conveyance shall be subject to all agreements as to lots sold and all trust, restrictions and conditions upon title of use of the real property or assets.

Resolution filed in Town of Pembroke Official Minutes Liber 2012, 34 page 81

On **MOTION** of Councilman Arnold, seconded by Councilman Worth, to hire Matt Washington of Matt's Landscaping to do a one time mowing of the North Pembroke Cemetery for a cost of \$100.00  
ALL AYES - MOTION CARRIED.

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

**THREE AYES – ONE NAY - MOTION CARRIED**

**RESOLUTION # 30 of 2012** – Municipal Agreement for reimbursement of re-levied delinquent taxes

**RESOLVED**, that the Town Board of the Town of Pembroke hereby authorizes the Supervisor to sign the “Municipal Agreement for reimbursement of re-levied delinquent taxes” between Genesee County and the Town of Pembroke.

**\*\*SEE AGREEMENT ATTACHED\*\***

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; Supervisor Mileham, AYE.

**ALL AYES - MOTION CARRIED**

**RESOLUTION # 31 of 2012** – Payment of Abstract # 4 of 2012

**RESOLVED** that the Town Board of the Town of Pembroke authorizes the Town Supervisor to make all payments and bills contained in Abstract # 4 of 2012.

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; Supervisor Mileham, AYE.

**ALL AYES - MOTION CARRIED**

**RESOLUTION # 32 of 2012** – Purchasing Policy Change

**WHEREAS** Section 104b of the General Municipal Law requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of General Municipal Law #103 or any other law; and

**WHEREAS** Town Attorney Mark Boylan has advised the Town Board that it is in the Town’s best interest to update the Purchasing Policy on lines 4 c. and 4.1 c.; and

**WHEREAS** the Town Board will change the existing purchasing Policy that was adopted by the Town Board at the Organizational Meeting in January 2012; **NOW, THEREFORE BE IT**

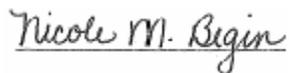
**RESOLVED** that the Purchasing Policy will be changed on line 4) c. to read “Less than \$1,000 is left to the discretion of the Committee Members who shall both agree on the purchase. If an agreement can not be made it shall be the decision of the entire Town Board.” and Line 4.1) c to read “Less than \$3,000 is left to the discretion of the Committee Members who shall both agree on the purchase. If an agreement can not be made it shall be the decision of the entire Town Board.”

Councilman Sformo asked about signage at the Cohocton Road and Lake Road detour. Supervisor Mileham will call the State DOT engineer that is working on the project to see what can be done.

On **MOTION** of Councilman Arnold, seconded by Councilman Worth, to adjourn the meeting at 8:54 P.M.

ALL AYES – CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF APRIL 11, 2012 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.