

MINUTES of the **Regular Meeting** of the Pembroke Town Board held on **June 13, 2012** at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Richard Kutter, Planning Board Chairman; Tom Schneider, ZBA Chairman; Bruce Fauth, Corfu Fire District; Ken & Gabriel Frey; Rodney, Mary Jane & Jacob Finkney; James Tuttle; Dorothy Lawrence; Tim Kutter.

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

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

Supervisor Mileham announced that we have two (2) young men who, thru their honor, fortitude, and hard work, have attained the rank of Eagle Scout, Jacob M. Finkney, and Gabriel L. Frey. In recognition of this accomplishment, citations have been prepared for the young men. The citations were presented and photos taken.

The **Public Hearing** to enter into a new lease agreement with the Corfu Fire District was called to order at 7:06 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.

On behalf of the Corfu Fire District Bruce Fauth thanked the Board for their cooperation & understanding of the hardships that the Corfu Fire District has faced. He thanked the board for working with them and said they are glad to maintain a good relationship with the Town.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, to close the Public Hearing at 7:08 P.M.

ALL AYES - MOTION CARRIED.

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

Supervisor Mileham recognized previous Town Supervisor James H. Tuttle for his time, effort and dedication serving the Town of Pembroke as Town Supervisor from 2008-2011. A citation was presented and photos taken.

PUBLIC PARTICIPATION ~ No other public participation.

On **MOTION** of Councilman Worth, seconded by Councilman Arnold, to approve the Minutes of the Regular Meeting May 9th, 2012, the Workshop Meeting May 24th, 2012, the Public Hearing of May 24th, and the Special Meeting May 29th.

ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

- Mrs. Conti reported that Grievance Day was held on May 22nd for 2012 assessments. There were ten grievances filed. The County supplied a laptop to help out with those meetings.

ZONING & CODES ENFORCEMENT – Shellye Dale-Hall

- The May monthly report was submitted and filed. Supervisor Mileham reviewed the reports and reported on a complaint case that is pending in court.

HIGHWAY – Stephen Stocking

- Superintendent Stocking said that the Highway department is mowing roadsides and the park front.
- The parking lot at the town park is finished as well as the pavilion area at the top of the hill. The highway department can add millings to the little parking lot near the new pavilion.
- Angling and Ellinwood roads were oil and stoned. Striping will be done shortly.
- Mr. Stocking asked for resolution to bid out the old plow truck as the new truck will be in this week.
- In the Fall NYS DOT will be paving Route 5 from the Erie County line to Route 77 as well as milling the intersection at 5 & 77. Mr. Stocking requested that the Board keep in mind that the millings from that can be used if needed at the park.

TOWN CLERK – Nicole M. Begin

- The May monthly report was submitted and filed.
- Mrs. Begin reported that last week the NYS Comptrollers Office started a risk assessment on the Town. Currently they are analyzing the Tax Collector files, they have finished with the Town Clerk files and will move on to Financial and Justice files next.

PLANNING BOARD – Richard Kutter

- Mr. Kutter reported that the last two Planning Board meetings were cancelled. The Planning Board is currently working on non-commercial wind energy zoning.
- Mr. Kutter is also looking into the benefits and disadvantages of hydrofracking and is checking with other towns across the New York State to see how they are dealing with it.

ZONING BOARD OF APPEALS – Thomas Schneider

- Mr. Schneider said that the ZBA voted on two variances in May. The first was for a garage on Route 5 with a non-conforming lot and the other for a deck/hot tub installation on Lake Road due to proximity lot line.

JUSTICES – Alexander & O’Connor

- The May Justice reports were submitted and filed. There were 286 cases brought before the court. Supervisor Mileham reviewed the reports.

SUPERVISOR – Edwin F. Mileham, Jr.

- Supervisor monthly reports were submitted and filed. So far all departments are under budget.

COMMITTEE REPORTS

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

- No report at this time.

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

- Councilman DeWind will be working on getting the front façade repaired near the front entrance way.

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

- Supervisor Mileham stated that the building is in need of repair and the highway garage is in bad shape. There are grants available for municipal consolidation projects and the school may be interested in working with the Town for a shared highway garage. Mr. Mileham said this is something the town will look at in the near future.

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

- Councilman DeWind said that the sewer project is moving along. The Resolution subject to permissive referendum has been passed and we are waiting on the thirty days. The actual physical project may not start until the late fall.

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

- Councilman DeWind received two bids on the pavilions and we are waiting for a third. The money has been budgeted for this work. The climbing wall has been broken and the company will send someone out to fix it. The mulch chips under the playground need to be added to where they have been eroded or compacted.

Human Resources/Benefits – Ed Mileham & Ed Arnold

- No report at this time.

Cemeteries – Gary DeWind & Peter Sformo

- There will be posts put in the corners of each of the Town cemeteries where they were surveyed to show the property lines.

IT – John Worth

- Councilman Worth attended Cyber Security training in Albany on June 4 & 5. Mr. Worth provided details and explained the importance of keeping your wireless and mobile devices secure. Mr. Worth is working to keep town computers secure.

OLD BUSINESS

Supervisor Mileham reported that there is a Resolution for the Corfu Fire District Lease Agreement.

Both the Pavilion specs and the sewer project were reported on in the committee reports above.

Mertie Doll property ~ Councilman Arnold explained that the Town bought the park property from Mertie Doll. There are gas wells on the park property which Mertie Doll kept the rights to. Upon the unfortunate passing of Mertie Doll the Town, as written in the deed, was given the right of first refusal on her home and gas wells. The executor of the estate contacted the Town to see if there was any interest. The town is interested in keeping the gas well rights but can only do so by purchasing the house and surrounding property. The Town's attorney is working on a proposal for the purchase.

NEW BUSINESS

Speed Limit in the Town Park ~ Speed bumps have been ordered for the town park. On Saturday June 2nd the Corfu Police Department by request monitored the town park speed. The average speed was 42 mph. The Corfu Police officer did monitor a vehicle going 62 mph. According to the Town's attorney a resolution must be done establishing a speed limit in the park or nothing can be enforced. The Board is also working with the Village of Corfu to establish an intermunicipal agreement so that the Village of Corfu Police Department can patrol the Town Park and Route 77 to the thruway. The Village is requesting that the Corfu Police Department's rent of \$250.00 be waived in this agreement. Mr. Mileham will have the town attorney work on putting an agreement together.

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; Councilman DeWind, AYE; Supervisor Mileham, AYE.

ALL AYES - MOTION CARRIED

RESOLUTION # 37 of 2012 – Eagle Scout Awards for Jacob M. Finkney & Gabriel L. Frey

WHEREAS Two Boy Scouts of Scout Troop #64 in Corfu, New York have completed their requirements for the rank of Eagle Scout; and

WHEREAS they have worked diligently to receive this rank and have shown their tenacity and spirit of good citizenship in pursuing and achieving this noble award; and

WHEREAS they have set a great example for other young people to follow; **NOW, THEREFORE BE IT**

RESOLVED that the Town Board of the Town of Pembroke recognizes and congratulates Jacob Mark Finkney and Gabriel Lazarus Frey for their work in attaining the highest award in Scouting, the rank of Eagle Scout.

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 # 38 of 2012 – Corfu Fire District Lease Agreement

WHEREAS, the Town Board of the Town of Pembroke has determined that it is in the best interest of the Town to enter into a lease agreement 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 3,063 square feet of space at the Fire Hall 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 agreement 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.

A **MOTION** was made by Councilman DeWind, seconded by Councilman Arnold followed by discussion. Councilman Worth had a concern as to the hours reported for a ZBA member. Town Clerk Nicole Begin was informed by State Retirement that the original resolution that was done had some incorrect information. Mrs. Begin was told to report a certain number of hours for a ZBA member. Mrs. Begin will call the State Retirement back to get a correct answer on the hours reported.

The **MOTION** for the following resolution was **RESCINDED** by Councilman DeWind

RESOLUTION # 39 of 2012 – Standard Work Day and Reporting

BE IT RESOLVED that the Town of Pembroke hereby establishes the following as standard work days for the listed 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****

This Resolution will be done at the Workshop meeting.

A **MOTION** was made by Councilman Arnold, seconded by Councilman DeWind for a resolution to establish a 5 mph speed limit in the Town Park. There was some discussion as to the amount of speed to enforce. Councilman Arnold **AMENDED** the previous resolution to state 10 mph instead of 5 mph and 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 # 40 of 2012 – Speed Limit in the Town Park

BE IT RESOLVED that the Town Board of the Town of Pembroke hereby establishes a 10 mph speed limit with in the Pembroke Town Park. Violators will be fined.

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 # 41 of 2012 – Child with Autism signage on Route 5

WHEREAS The Town of Pembroke received a letter from Linda von Kramer requesting signage to be placed on Route 5, between addresses 2145 and 2077 Main Road notifying drivers of “Child with Autism Area”, and

WHEREAS the Town Board realizes that children with autism have decreased safety awareness and that Route 5 is a very busy road; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board for the Town of Pembroke supports the initiative of placing “Child with Autism Area” signage on Route 5, between addresses 2145 and 2077 Main Road, and **BE IT FURTHER**

RESOLVED that this resolution and a letter of support be sent to the Genesee County Traffic Safety Committee, to be forwarded to the New York State Department of Transportation.

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 # 42 of 2012 – Payment of Abstract # 6 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 # 6 of 2012.

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 # 43 of 2012 – Bid Authorization for 1998 10 Wheel Mack Dump Truck

RESOLVED, that the Town Board of the Town of Pembroke hereby authorizes Highway Superintendent Stephen Stocking to advertise for bids for the sale of a 1998 10 Wheel Mack Dump Truck, Model RD690S with 109,758 miles. Bid opening to be held at 7:30 A.M., Thursday, June 28, 2012.

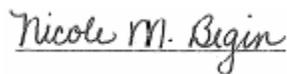
Councilman Sformo said that he would like to thank the Corfu Garden Club for their work around the new Town Highway sign on Route 77 near the entrance to the driveway. Everyone agreed that it looked great and they did a tremendous job.

Councilman Sformo also thanked Nicole Begin and the Bicentennial Committee for all of their hard work on the Opening Ceremony. He said that we came in under budget for the cost of the event. Mr. Sformo thanked those in attendance as well. At the end of the night everyone helped stack all the tables and chairs and helped clean up. The next day there was no garbage left behind in the park. It really was a community effort and the weather turned out great. Everyone seemed to have a good time. Personal thank-yous will be sent out after Councilman Worth, Councilman Sformo and Town Clerk Nicole Begin meet one last time to finalize everything.

On **MOTION** of Councilman Arnold, seconded by Councilman Worth, to adjourn the meeting at 8:07 P.M.

ALL AYES – CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF JUNE 13, 2012 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.