

MINUTES of the Pembroke **Town Board Workshop** held on **August 23, 2012** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

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

OTHERS PRESENT: Nicole Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Mark Boylan, Town Attorney; Mark Masse, GCEDC; Taylor McCabe, McCabe Electric; Shellye Dale-Hall, Zoning Officer; Richard Kutter, Planning Board Chairman.

The Workshop was called to order at 7:32 A.M.

OLD BUSINESS

Cemeteries - A resolution was made in July to contract with Jack Bernard for Superintendent of town cemeteries. There was some question as to the town hiring Mr. Bernard or contracting with him. Mr. Bernard would rather have a contract in place rather than be hired by the Town. The Board agreed and will have the town attorney will put an agreement in writing.

The board discussed the practice of burying loved ones cremated remains with that of another loved ones buried remains. They talked about the legality and cost of it. The Board feels that having to pay the full cost of a cremated burial was a lot of money and agreed that the reason most people do that is because of the cost. The Supervisor will ask Jack Bernard to come up with a way to allow people to do this at a lower cost and also have a record of it being done.

Sewer Project – Supervisor Mileham and Councilman Worth updated the board on the sewer meeting that was held with the Village of Corfu, attorney and engineers. The DEC is waiting for an agreement to be signed by the Town and Village. The engineers are working on the necessary things to have in place to start bidding out the project. Attorney Mark Boylan will have the final copy of the municipal agreement with the Village of Corfu by the end of next week for both municipalities to sign and send to NYS DEC.

Mertie Doll Property – The house needs to be inspected; Supervisor Mileham will schedule an appointment with an inspector.

Community Center Use – The keys went missing after use by the Red Cross and haven't been seen since. The board has had issues with the Red Cross using the hall ie: blood on the floor, tape on the floor, garbage being left on the floor. The Board feels that the Red Cross should not be given any more use of the hall. The Town Clerk will contact the Red Cross.

Charge card terminal in Town Clerk's office – Town Clerk Begin checked the cost of another Town Clerk program for the possibility of getting credit card processing at a lower cost. The cost of the other program that is used elsewhere would be \$4,880.00 plus an annual cost of \$800.00 for support and maintenance. The Town currently pays \$675.00 annually for the support and maintenance on our Town Clerk software.

The Board agreed that changing Town Clerk software would not be in the best interest of the Town in order to offer credit card processing. The board had some questions about the credit card processing company Genesis PPG. Mrs. Begin gave the board the details regarding the charges to the customers who use a credit card for payment. The Town cannot waive the processing fees or incur them because we are a tax based entity so the charges would be put on to the customer wishing to use their credit card. The fees, based on purchase are 1.5% of the purchase for debit, 3% of the purchase for credit and tax payments plus \$1.50 per transaction fee. There will be signage placed in the office and the clerk will explain the charges to the customer before processing payment through the machine. Processing payment through credit card can only be done during Town Clerk office hours Monday through Friday 8:30 A.M. to 4:30 P.M.

GCEDC update – Mark Masse from the GCEDC updated the board that the GCEDC is currently trying to attract businesses for the Buffalo East Tech Park South Campus. There is still uncertainty about the establishment of a North campus.

Mr. DeWind felt that the board needed to go into executive session regarding the Buffalo East Tech Park North and for another matter presented to the Board.

On **MOTION** of Councilman DeWind, seconded by Councilman Arnold to enter into Executive Session to discuss property negotiations and an item that may be in current litigation or investigation.

ALL AYES - MOTION CARRIED

TIME 8:55 A.M.

On **MOTION** of Councilman DeWind, seconded by Councilman Sformo to reconvene into regular session.

ALL AYES – MOTION CARRIED

TIME: 10:05 A.M.

Supervisor Mileham reported that no decisions were made in Executive Session.

NEW BUSINESS

Town Office Electrical Wiring - McCabe Electric inspected the breakers in the Town Hall because there have been some issues with the copy machine. Toshiba's repairman suggested that the machine be on it's own breaker due to the amount of power it needs and uses. At the current time the copier is on the same breaker as everything else in the copy/break room. McCabe also checked out some other electrical issues the Town offices have and gave the Board a quote to fix everything. Taylor McCabe reviewed the quote with the board and explained how wiring could be done to protect electronics in the building. The board will review and make a decision.

Zoning Fee Schedule – Zoning Officer Shellye Dale-Hall and Planning Board Chairman Richard Kutter have been working on a new Zoning fee schedule and reviewed it with the board for comments and questions. Mrs. Dale-Hall explained that these are just suggestions and the board could look over them to decide if they feel a change is needed.

Mrs. Dale-Hall said that there were some proposed verbage changes to the fee schedule to make it easier to understand. There was a suggested change in fees for cell phone tower alterations or installation. They also recommended a small drop in fee for a generator. They are also suggesting a fee for a temporary use permit because the planning board has to meet when a temporary use permit is issued.

There were a few permit fees that they suggested omitting. Mr. Kutter said that they also recommend omitting the need for a site plan review for a fence. Mrs. Dale-Hall said that the Town of Pembroke zoning fee's are still lower than most fees of other towns.

Mr. Kutter stated that the planning board is discussing the change in zoning regarding farm animals. On an Ag-Residential lot you can have one farm animal if you own 2 or more acres. There have been complaints regarding the number of farm animals allowed per acre or lot. Currently you need at least two acres to have farm animals on your property in an ag-residential area but they are recommending changing the zoning so that for each additional animal you will need another acre of land. Most of the other town's have done this. Councilman DeWind asked where the right to farm comes into play. Mr. Kutter said that in order to be considered a farm the owners need to show that they are a legitimate income producing farm with at least an income of \$10,000.00 from farming. Mrs. Dale-Hall said the purpose of this is to eliminate problems with adjoining property owners.

The Planning board is also considering adding a statement to the end of each of the districts within the zoning law saying "Special use permits can be issued for any other use which in the sole opinion of the planning board is similar in nature and effect to the special use permits that are prescribed in this section". Mr. Sformo said that he thought that there was already something similar to that statement in the beginning of the zoning law saying that "anything not listed can't be done". Mrs. Dale-Hall said that it would give the planning board the authority to approve something for a district that is similar but not listed as an allowable use. They would also have to remove the statement in the beginning of the book or change it. Councilman Sformo said that it seems like the town is always trying to attract small business but then making it hard for them to start a business in the town with all the fees and zoning laws. Mr. Kutter said that the reason for the laws and fees is for the protection of the residents of the town and the board's try to be agreeable and flexible with everything presented to them. Mrs. Dale-Hall said that the zoning fees should cover the cost that the town incurs. Mr. Sformo said that the town does not always cover it's cost for things that benefit town residents stating that an example of this is the trash service. Mr. Sformo said that the town loses money on the trash service each year but it is a service offered to all residents of the town.

ROUND TABLE

Councilman Arnold – An estimate was received from Brier Hill for the replacement of the roof at the Corfu building/Community Center. The cost varies depending on how the board wishes to go as far as the air conditioning units being moved from the roof.

McCabe electric looked into electric at the park. A transformer could be put by the storage shed and another one could be placed at the new pavilion. This would get enough power to all areas of the park that need it. The transformers could be bought from National Grid and once the lines are in National Grid would maintain them. The estimated cost would be about \$30,000.00. Councilman Sformo asked if this is the way the board wants to go with the park? Both Councilman Sformo and Worth feel that the board and committee should decide what they want to see for the future of the park and where any future pavilions would be placed before making a decision on power and electric. Councilman DeWind questioned whether we could do this out of this year's budget or should it be budgeted for 2013? The committee will look at how much money has already been used and what is left for anything planned in 2012. McCabe Electric is putting something together to present to the Town Board.

Councilman Worth – Mr. Worth feels that the board needs a better procedure for signing vouchers. He feels there needs to be more time for the board to look them over and possibly have questions answered if needed. Mr. Worth asked if some vouchers could be signed at the workshop but vote on the entire abstract at the regular board meeting. The Board will meet at 6:00 P.M. instead of 6:30 P.M. to give the board more time to look the vouchers over and sign them.

Mr. Worth said that Docuware is installed and everyone in the building has access. The program will go completely live in September. There are some files from the zoning department that were from some time ago when Mr. Bremiller worked in the zoning department. The information is now available on the County website as well. Mr. Sformo said that there are also hard copies of all of that information in the zoning department. The board agreed to move the information to Docuware whenever time is available to do so.

Councilman Sformo – Mr. Sformo said that the Pembroke Community Band thanked the Town for allowing them to participate in the bicentennial events this year. The Band is once again asking for the board to consider budgeting money for them in 2013. The band will hold their winter concert at the Pembroke Community Center on December 9th, 2012 at 2:00 P.M.

Councilman Sformo reiterated his feelings for the need of a part time or full time maintenance person. The Board agreed to think it over and will discuss further at a future meeting.

Councilman DeWind – Mr. DeWind has the lids for the recycling cans at the town park. He has installed a few of the lids and will be installing the rest as soon as possible. Mr. DeWind would also like to purchase six (6) picnic tables for the new pavilion.

Councilman DeWind is going to get three (3) bids to have the areas around the pavilions at the park blacktopped. Currently there is stone surrounding the pavilions but the committee feels that blacktop would be a safer alternative.

Supervisor Mileham – Mark Masse put the Supervisor in contact with a gentleman looking for a place to sell amish lakeside sheds. The GCEDC did not have a place, the Urban and Stone properties were not interested so Mark suggested that he contact the town to use the corner here at route's 5 & 77. The gentleman wants to rent the property for about a year. Attorney Mark Boylan said that the Board would need to hold a public hearing to rent town property. Councilman Sformo said that he has no problem with them selling the sheds in the Town but doesn't think it should be done on Town property. Councilman Arnold said that selling on this corner could propose a problem with traffic. Councilman DeWind feels that if the man did well he may want to buy some property to continue selling the sheds. Councilman Worth is not opposed to it but would like more information about the business and the items being sold. Mr. Worth also wondered if the town would be promoting something that would not normally be allowed in our zoning law. Councilman Arnold said that he does not want to discourage someone from doing business in the town. Councilman Sformo said that we could also be setting precedence and we could end up having other requests to sell things on the corner. The board would like to think about it a little further.

Supervisor Mileham asked the board about renewal of the postage permit for the mailing of the Town Newsletter. The board decided some time ago that the newsletter would not be mailed anymore starting in 2013. The newsletter will still done and placed on the website and if someone would like a copy they can call the Town Clerk. The postage permit goes from August to August and is expiring. If we renew the permit again we have to renew for a whole year. The Board decided not to renew the permit and may look into placing the newsletter as in insert in the news just for the fall of 2012. Another suggestion was to advertise in the Akron Corfu Pennysaver that the newsletter will now be available on the website and printed copies will no longer be mailed.

Supervisor Mileham informed the board about a couple budget transfers that need to be done in September.

Mr. Mileham received a call from Genesee County Legislator Annie Lawrence about attending a Town of Amherst board meeting because they were going to have a discussion regarding the thruway interchange. Mr. Mileham attended the meeting and the Town Supervisor from Williamsville asked the Town Board of Amherst to support them in requesting the NYS Thruway Authority to have the interchange moved east again. The Town of Amherst did a resolution supporting Williamsville in their request to have the interchange moved. The attorney for Amherst suggested what forms they should foil from the NYS Thruway Authority. Councilman Worth wondered if the Town's in GAM should get together and do resolutions in support of not moving the toll barrier.

Mr. Mileham has been informed that Doktor's Welding is washing trucks at their location on Main Road. The code enforcement officer has gone there to see what is going on. There are no permits on file for this type of business at that location. The DEC said that due to run off and drainage they are in violation. The board discussed whether the NYS DEC should be asked to investigate further. Councilman Arnold will contact Mr. Doktor to try and resolve the issue.

RESOLUTIONS

RESOLUTION # 62 of 2012 – Credit Card Processing for Town Clerk’s Office

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

WHEREAS Town Clerk Nicole Begin would like to make available to the residents of Pembroke the choice of payment by credit card; and

WHEREAS the Town Clerk researched credit card processing and its availability to government municipalities as well as costs related to it’s use and equipment necessary to process credit cards; and

WHEREAS all credit card transactions will take place during Town Clerk office hours Monday through Friday 8:30 A.M. to 4:30 P.M. and on trash Saturday from 8:00 A.M. to 12:00 P.M.;
NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Pembroke, authorizes the Town Clerk to enter into a three year contract with Genesis PPG Group whom is partnered with Govteller for the equipment and processing of credit card. The contract cost is \$240.00 for two years. The total cost for three (3) years including equipment is not to exceed \$1,000.00.

On **MOTION** of Councilman Sformo, seconded by Councilman Arnold, to adjourn the Workshop at 12:05 P.M.

ALL AYES – CARRIED

Respectfully Submitted,

Nicole M. Begin

Nicole M. Begin
Town Clerk

THESE MINUTES ARE THE FINAL MINUTES OF THE TOWN BOARD WORKSHOP OF AUGUST 23, 2012 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.