

MINUTES of the Pembroke **Town Board Workshop** held on **September 27, 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; Tom Carpenter, Clark Patterson Lee; Richard Kutter, Planning Board Chairman; Tom Schneider, ZBA Chairman

The Workshop was called to order at 7:38 A.M.

OLD BUSINESS

Cemeteries – The contract has been signed between Jack Bernard and the Town for Superintendent of cemeteries for North Pembroke and Old Buffalo Road. Councilman Sformo asked the board to make a decision regarding the cost to bury cremated remains in the same plot as another cremation or full burial. Councilman Worth said that the cost to the purchaser is for eternal care. He also said that it costs the Town to maintain the cemetery and the money received for the sale of plots helps with that cost. After much discussion the board decided to have the cemetery committee confer with Jack Bernard to come up with a better way to deal with that issue as well as better cost to purchaser. The Committee will also work with Jack to apply for a grant from the state for maintenance of the cemetery.

Sewer Project – Tom Carpenter from Clark Patterson Lee engineers gave an update of the progress on the sewer project. They are working on getting approvals from the state regarding wetlands and NYS DOT issues. They are also working on the beginning stages for obtaining easements due to the NYS culvert work. Mr. Carpenter said it should take about six months to finish up the easements and the bulk of construction should be in the spring of 2013. The School Superintendent Matt Calderon asked if and how many units the school will be reimbursed for. The Town board agreed that they would like to reimburse some money from the grant to homeowners who have to pay to have a line dug to their home to connect to the sewer line. The board and engineers said that they will have to look into how the money will be reimbursed and whether it will be based on the single pipeline to the residence or the number of units. They agreed that it is something that needs to be looked into further as we progress.

Town Hall & Highway Garage Structural Work – Tom Carpenter gave the Board a proposal from Clark Patterson Lee for architectural and engineering services for the repair and/or replacement of the Town Hall and Highway Garage. The Board decided to discuss further at the next Town Board meeting.

Update on Indian Falls Complaint –Town attorney Mark Boylan said he is working with the attorneys for two neighbors on Indian Falls Road to solve the issues on property complaints. The owner of the property in question has twelve months to relocate the business but could use the property for storage only according to the original special use permit. The owner could possibly

apply for a variance to use apartments that have been constructed there if all building permits filed properly and inspections are done.

Mertie Doll Property – Supervisor Mileham said that there is a resolution subject to permissive referendum to use money in the reserve fund to purchase the Mertie Doll property.

GCEDC ~ BETPS – Mark Masse from the GCEDC updated the board on the work being done to expand the Buffalo East Tech Park South (BETPS). He reviewed funds that have been expended so far to get the site shovel ready. Mr. Masse will keep the board updated on any new developments. There was also discussion about setbacks for the businesses that may locate in the BETPS development and the possibility of trying to reduce those setbacks through zoning changes.

Agreement with Pembroke Central Schools for Town Park maintenance – Supervisor Mileham said that School Superintendent Matt Calderon came to speak with him and Councilman DeWind regarding a park maintenance agreement. The Pembroke School Board is concerned about the time that they spend maintaining the Town Park. They also discussed the snow removal agreement. They would like to combine the agreements. Mr. Mileham said that park maintenance and snow removal agreements could not be connected due to something that is worked out through contract with the highway department. Councilman DeWind pointed out that the school gets use of the parking lots, three soccer fields, four baseball fields, a football field, and three pavilions that are used during school tournaments and that should count towards the maintenance that the school does at the town park. The Town has spent a lot of money on the park for the school to get so much use from it and it would cost the school a pretty penny to have that built. Supervisor Mileham also told Mr. Calderon that if the school continues to schedule the fields at the park they need to schedule baseball games accordingly to accommodate for PYA as well. Councilman Sformo said he thinks that there should be a liaison picked from the school and from PYA and that should be the only people that the committee works with when there are issues. Councilman Arnold said he thinks the Committee should get together with the school and PYA.

Credit Card terminal in Town Clerk's office – Town Clerk Nicole Begin said that the new charge card terminal is installed and within the first week there were over \$700.00 in charge card payments processed.

NEW BUSINESS

Town Office Electrical Wiring – Supervisor Mileham said we received two quotes for the electrical work for the Town Hall. Two electricians 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 its 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. Some other electrical issues the Town offices were also checked out. The first quote from McCabe Electric was for \$4,051.00 and Brier Hill's electrician quote was for \$9,950.00. The Board decided to have McCabe Electric do the work.

Zoning Law changes – Planning Board Chairman Richard Kutter explained the proposed text changes to the current zoning law.

The board also discussed in detail the section regarding noise in relation to non-commercial wind energy systems and how and where the noise decibel level would be read.

There was plenty of debate regarding the verbiage for cargo containers in section 303C and the board remained undecided to the text changes in regards to them.

Mr. Kutter went over Section 309A regarding large animals and required acreage and went over other items that the Planning Board is suggesting be deleted from the zoning law.

Mr. Kutter will go back to the Planning Board with items that the Town Board would like to see changed or not changed and present those corrected changes to the Town Board at the next meeting. The Board will decide at the next meeting if they are ready to go ahead with the changes by local law.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo to enter into Executive Session to discuss personnel.

ALL AYES - MOTION CARRIED

TIME 11:14 A.M.

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

ALL AYES – MOTION CARRIED

TIME: 11:54 A.M.

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

ROUND TABLE

Councilman DeWind – Mr. DeWind said that the paving around the pavilions is done at the town park is done. There were some issues that were raised with the concrete slab that was originally poured.

Superintendent Stocking – Mr. Stocking said that all road striping is done. He also said that he has received compliments on the mowing of the Town property and cemeteries. Fall mowing will begin next week and the Highway department will be helping out the Town of Batavia next week as well.

Supervisor Mileham – The Chamber of Commerce travel guide bill is due. In the past the bill was paid by the Town to advertise businesses throughout the Town. The 2013 guide was budgeted for in the 2012 budget. Councilman Worth said that McCabe Electric should be listed in it and the Lyndonville Tigers information. The board agreed to go ahead and pay it.

RESOLUTIONS

RESOLUTION # 66 of 2012 – Purchase of Property

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

WHEREAS, in 2004 the Town of Pembroke acquired of a parcel of land on Route 77 for a public park; and

WHEREAS, the Town of Pembroke negotiated with Mertie E. Doll, the owner of the parcel and agreed to other terms of conveyance including owner retention of approximately two (2) acres upon which the owner's residence is located with Mrs. Doll to retain the oil and gas rights and right to free gas and royalties from two (2) wells located on the park property; and

WHEREAS, in the agreed terms the Town of Pembroke was given first right of refusal of the two (2) acres including the owner's residence and oil and gas wells associated with the homestead but located on park property; and

WHEREAS, the Town of Pembroke has sufficient Reserve and Surplus funds to finance the purchase of the above parcel; **NOW, THEREFORE, BE IT**

RESOLVED BY THE TOWN BOARD OF THE TOWN OF PEMBROKE AS FOLLOWS:

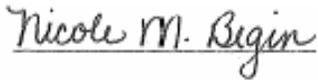
1. The Town Board determines that it would be in the best interest of the Town of Pembroke to acquire the parcel of land located at 8793 Alleghany Road, Town of Pembroke, County of Genesee, State of New York, being part of tax map number 19.-1-17.11 for various Town purposes to be determined in the future.
2. The Town Board does hereby authorize the purchase of approximately 2.10 acres at a total cost not to exceed \$128,000 without further authorization by the Town Board.
3. That the Town Board does hereby appropriate an amount not to exceed \$128,000 from Reserve and Surplus funds for such purposes.

4. The Town Board does hereby authorize the payment of \$102,000.00 from the Land Capital Reserve fund and the remainder to be paid from the unappropriated unexpended fund balance.
5. That the Supervisor of the Town of Pembroke is hereby authorized and directed to execute the contract for the purchase and sale of real property and any and all documents necessary to complete the transaction.

This Resolution shall be subject to a permissive referendum, as required by Town Law.

On MOTION of Councilman Sformo, seconded by Councilman DeWind, to adjourn the Workshop at 12:15 P.M.
ALL AYES – CARRIED

Respectfully Submitted,



Nicole M. Begin
Town Clerk

THESE MINUTES ARE THE FINAL MINUTES OF THE TOWN BOARD WORKSHOP OF SEPTEMBER 27, 2012 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.