

MINUTES of the Pembroke **Town Board Workshop** held on **November 29, 2012** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

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

ABSENT: Edward G. Arnold, Jr., Councilman

OTHERS PRESENT: Nicole Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Mark Masse, GCEDC; Tom Carpenter & Andrew Kosa, Clark Patterson Lee; Richard Kutter, Planning Board Chairman; Adam Walters, Phillips Lytle LLP and Sheila Hess, Conservation Connects.

The Workshop was called to order at 7:34 A.M.

Supervisor Mileham explained what was on the agenda for today.

OLD BUSINESS

Mertie Doll Property – Supervisor Mileham received a call from Paul Phelps regarding the gas well royalties on the Mertie Doll property. Currently the royalties are in legal suspension because they are still going to the Mertie Doll estate. The legal work needs to be completed to have those royalties come to the town. Supervisor Mileham has talked to attorney Mark Boylan to see what the Town needs to do to get it straightened out.

Agreement with Pembroke Central School District – No update at this time.

GCEDC update of BETP-S Campus – Mark Masse updated the board about where the GCEDC is at with the Buffalo East Tech Park South (BETP-S).

Sheila Hess from Conservation Connects explained that she is working with the GCEDC on environmental aspects of the project. Ms. Hess said that a lot of environmental work had been done previously in respect to watersheds and that all of the wetlands delineations have been completed. Ms. Hess reviewed wetland areas on the maps that were handed out to the Town Board. She also explained that the south west corner of BETP-S may not be viable for building due to access through the wetlands and permitting by the NYS DEC. Some areas in the BETP-S have been designated class two wetlands and Ms. Hess has been working with the EDC to avoid any impact to them.

Andrew Kosa from Clark Patterson Lee had some preliminary conversations with the NYS DOT about a possible future entrance into the BETP-S from route 77 and the DOT said no. There will be a right hand turning lane on route 5 as part of the DOT widening project being done now. A setback would need to be changed on route 5 from 125 feet to 50 feet through a variance from the ZBA.

Adam Walters, a land use attorney from Phillips Lytle LLP explained that there will be a need to re-zone the south parcel to interchange, it is currently zoned Ag. The north parcel of BETP-S is already zoned interchange. Mr. Walters also said that they will ask the planning board for a special use permit for the entire industrial park but each project being built would need a site plan review. At this point the property does not need further subdivision.

Mr. Walters also said that the Town would have to ask the county to amend the smart growth plan lines. The town would ask the county for inclusion of the entire campus into the smart growth plan. The Town cannot ask for the change until the south parcel is rezoned to interchange.

Mark Masse asked the Town Board if the GCEDC could be the lead agency on the SEQR process. The board seemed agreeable to the idea but will make the decision at the next meeting when they have a full board present.

Sewer Project – Tom Carpenter from Clark Patterson Lee said that the both the town and Clark Patterson Lee received approval plans and wetland permits from the NYS DEC. The DEC is currently working on the contract for the grant. The engineers met with the Army Corp of Engineers on site a couple minor changes were made. The Town sent out the easements to the residents this week. A few calls were received by residents with questions and Clark Patterson and Mark Boylan are trying to answer them as best they can. The engineers are now waiting on the DEC contract and hope to have the project out to bid in January with a spring construction start.

Agreement with CCP, Complete Payroll Processing – A representative was in from CPP to get us set up with their payroll processing so we can get started with them in January.

NEW BUSINESS

Update of Zoning Law changes & fees – The board discussed in detail the proposed text changes. Planning Board Chairman Kutter reviewed the changes that were discussed with the zoning committee on November 27th. Councilman Worth suggested that the committee for zoning look over the entire zoning law and make all necessary changes to get the law updated in full. Supervisor Mileham said he was told by the chairmen of the boards for ZBA & Planning that there are some things in the zoning law you can change and some things that cannot be changed.

Supervisor Mileham said that the Town Board needs to enforce the laws already established or change the law.

Councilman Sformo said that the zoning department should be helping people comply with the law because everything is not always black and white.

Councilman Worth said that there are currently some zoning issues with storage containers that need to be addressed in the new text changes to the zoning law. He thinks the committee should

meet again to decide what can be done to either enforce the current law regarding them or change the law.

Supervisor Mileham suggested that each board member take a section of the law and review it, note suggested changes and then have the board meet to discuss proposed changes to the entire law.

The board decided to each look over the law on their own and come back at the December Workshop meeting with any changes that they think could be made. They also decided to hold off on the proposed changes suggested today by the Planning Board. In the meantime Supervisor Mileham will contact a 3rd party, preferably with zoning background, to review our zoning law to suggest any changes. Councilman Worth suggested he call the Town of Stafford because they just did the same thing.

ROUND TABLE

Supervisor Mileham – Laura Landers from Freed Maxick will be in on Tuesday December 4th to go over the Town's bookkeeping processes. They will get everything set to start on the Town's books beginning in January.

Superintendent Stocking – Mr. Stocking asked the board if they wanted to do a resolution to post Scribner Road to limit trucks to ten ton. There was some discussion on whether or not it had to be done by Local Law. Supervisor Mileham will contact the attorney to find out.

Superintendent Stocking obtained two quotes for the repairing of driveways at the North Pembroke Cemetery. The town must get two quotes for each maintenance item they want done so they can apply for a one time maintenance grant.

Councilman DeWind – Mr. DeWind said that a gas light is on at the Mertie Doll house and it should be taken care of. Mr. DeWind would also like to get Scott Strollo over there to do some maintenance and up keep or repairs that may be needed. Councilman DeWind and Councilman Worth will go there to check the house out and to make sure there is nothing that should be done before winter.

Councilman Worth said that the town should get the gas wells and the royalties straightened out on the deeds then the town should consider selling the house.

Supervisor Mileham will work with Paul Phelps to get an agreement together for the royalties on the deed.

Councilmen Sformo and Worth – No report at this time.

RESOLUTIONS

RESOLUTION # 82 of 2012 – Authorization for Town Supervisor to sign easements for Sewer District #1

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

RESOLVED, that the Town Board of the Town of Pembroke hereby authorizes Town Supervisor Edwin F. Mileham Jr. to sign the easements prepared by Boylan Law Office LLP in connection with sewer district #1.

RESOLUTION # 83 of 2012 – Appropriation of Unanticipated Sales Tax to Reduce County Tax

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

WHEREAS the Pembroke Town Board wishes to help defray the cost of the 2013 County Tax burden to the residents of the Town of Pembroke; and

WHEREAS the Pembroke Town Board has determined there is unanticipated Sales Tax received in 2012 in excess of the amount Budgeted in the 2012 Budget; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board appropriates \$26,205.38 of said unanticipated Sales Tax to add to the \$200,000.00 Budgeted in the 2012 Town of Pembroke Budget for a total of \$226,205.38 to be used to reduce the 2013 County Tax burden to all town property owners outside the Village of Corfu.

Budget Journal Entries as follows:

B1120	Sales Tax	\$26,205.38	
B1972.4	County Treasurer – Reduce County Tax		\$26,205.38

RESOLUTION # 84 of 2012 – Homeowners Insurance for Town property at 8783 Allegheny Road, previously Mertie Doll residence

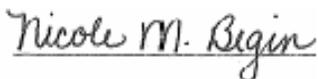
On **MOTION** of Councilman Sformo, seconded by Councilman DeWind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Mileham, AYE.
ALL AYES - MOTION CARRIED

WHEREAS the Town of Pembroke purchased the Mertie Doll estate at 8783 Allegheny Road next to the Pembroke town park and must obtain homeowners insurance for the property; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board authorizes the Town Supervisor to sign the necessary paperwork for homeowner’s coverage through Tompkins Insurance Agencies Inc.

On **MOTION** of Councilman Sformo, seconded by Councilman DeWind, to adjourn the Workshop at 11:39 P.M.
ALL AYES – CARRIED

Respectfully Submitted,



Nicole M. Begin
Town Clerk

THESE MINUTES ARE THE MINUTES OF THE TOWN BOARD WORKSHOP OF NOVEMBER 29, 2012 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD. MINUTES ARE APPROVED AT REGULAR TOWN BOARD MEETINGS HELD ON THE SECOND WEDNESDAY OF THE MONTH AT 7:00 P.M.