

MINUTES of the Pembroke Town Board **Workshop** held on **February 28th, 2013** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

PRESENT: Edwin F. Mileham Jr., 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, Attorney; Mark Masse, GCEDC; Tom Carpenter, Clark Patterson Lee.

The Workshop was called to order at 7:39 A.M.

OLD BUSINESS

SEWER PROJECT – Councilman Sformo undated the board on the sewer project. There are a few more easements that need to be signed, two of which are being worked on by the attorney. He told the board that we will need a contingency plan for bids that come in lower or higher than expected. Municipal Solutions is working on bonding options and the entire project will be bonded. Municipal Solutions will get the Town a Bond Resolution with 30 day permissive referendum. Tom Carpenter explained issues that were discussed at the last sewer meeting.

COMMUNITY CENTER – Engineer Tom Carpenter provided the Town Board with four estimates for the repair or replacement of the roof at the Corfu Court/Pembroke Community Center Building. The costs, depending on repair or replacement were anywhere from \$403,500.00 to \$1,022,000.00. These roof estimates include engineering design & construction, asbestos testing and HVAC removal and replacement. He explained to the board what the differences were between each and the board decided to get started on the roof project. Tom Carpenter from Clark Patterson Lee will get a letter of proposal to the Board by March 14th.

AGREEMENT WITH SCHOOL REGARDING TOWN PARK – Agreement still being worked on.

UPDATE FROM GCEDC – Mark Masse from the GCEDC said they mailed out the Letter of Intent to be Lead Agency on the SEQR process for the BETP site. Mark explained the next steps they will take with NYS DEC and that they will conduct archeological and traffic studies. The GCEDC will look to approve the Lead Agency status at their April meeting. The grant being given to the GCEDC will be done soon. The financial clerk is checking on the necessity of a resolution because this was already approved by Local Law.

TOWN INSURANCE – In early February Joe Teresi from Tompkins Insurance spoke with the board regarding insurance coverage for 2013. They discussed increasing the umbrella coverage from \$3,000,000 to \$5,000,000. The increase would cost the Town \$1,200.00 a year but Mr. Teresi said that the Town was already involved in a big lawsuit this year with the potential of another soon and felt that the coverage may be needed.

 A **MOTION** was made by Councilman Sformo, seconded by Councilman Arnold to increase the Umbrella Coverage for the Town from \$3,000,000 to \$5,000,000 for a cost of \$1,200.00 per year.
 ALL AYES - MOTION CARRIED

BID OPENINGS

Community Center Kitchen Stove

Supervisor Mileham called the Bid Opening to order at 10:32 A.M., reported that the Affidavit of Posting and the Notice to the Batavia Daily News was published on Monday February 4th, 2013.

Bid results were as follows: Whistle Stop - \$90.00 purchase, removal & capping of gas line.

All Bids having been opened, Supervisor Mileham declared the Bid Opening closed at 10:33 A.M.

Town of Pembroke Town Park Excavation and Electrical Work

OTHERS PRESENT: Jack Ryan, Burrows Bros. Inc.; Keith Boisvert, V & B Underground Utilities; Martin Dilcher, Dilchers Excavating & Contracting; Taylor McCabe, McCabe Enterprises; Bill Cotter, Thompson Builds.

The Affidavit of Publication and Affidavit of Posting are on file in the office of the Town Clerk.

Supervisor Mileham declared the Bid Opening open at 10:33 A.M.

| | | |
|--|-----------------------|------------------------------|
| Bids were received from the following: | Pro Construction | \$9,350.00 (Excavation Only) |
| | McCabe Enterprises | \$14,905.42 entire |
| | Burrows Bros. Inc. | \$42,000.00 entire |
| | Kohl's Excavating | \$25,900.00 entire |
| | Thompson Builds Inc. | \$19,825.00 entire |
| | Dilcher's Excavating | \$22,130.00 entire |
| | V&B Underground Util. | \$38,989.00 entire |

All bids were received. Supervisor Mileham announced that the board would announce the award at after they review the information.

Supervisor Mileham declared the Bid Opening closed at 10:41 A.M.

NEW BUSINESS

UPDATING TOWN OF PEMBROKE ZONING LAW – Councilman Sformo and Supervisor Mileham will be setting up a meeting with zoning officers Charles Reid and Shellye Dale-Hall to work on updating the zoning law and other items regarding the zoning department.

MOVING WALL – The American Legion would like to get started on bringing the moving wall to the Town of Pembroke Park in 2014 but will need a resolution from the Town giving them permission to do so.

STATE RESOLUTION FOR FINANCIAL INSTITUTIONS – Assemblyman Michael P. Kearns is asking WNY towns to support him in his effort to make financial institutions responsible for the maintenance and upkeep of houses that they foreclose on. He has requested that each town do a resolution to support him. The Board discussed how this would help the town. There is a resolution for this on the agenda.

TURNBULL HEATING AND AIR CONDITIONING CONTRACT – The town requested proposals for the Air Conditioning and Heating maintenance at the Town Hall and Court facilities. The lowest proposal was from Turnbull Heating and Air Conditioning. There is a resolution for this on the agenda.

CORFU VILLAGE LEASE AGREEMENT – The Village of Corfu Lease Agreement expires on May 31, 2013. The Board discussed the rent and possible increase of 3% which would increase the rent by \$66.71 a quarter. The Board will discuss further in March.

BUY GREEN SAVE GREEN REBATES – The Supervisor was informed that there are grants available to municipalities for the replacement of old light fixtures to energy efficient light fixtures. The Highway Superintendent was informed that bulbs for the light fixtures in the highway garage are no longer being made. Taylor McCabe works with Lime Energy on the grants and they can do a walk-through of the facilities and find out what needs to be changed. Mr. McCabe said that the grant pays for 70% of the cost and the Town would have to contribute 30%. Mr. McCabe said the Town would see a noticeable difference on their electric bills. The Board agreed to have them do a walk-through in March.

The Board also discussed grants that are or have been worked on through J. O'Connell's office due to a grant currently being worked on from NYS Archives. There was some concern that there may have been some items left out of the grant request that were originally discussed. Councilman Worth will talk with J. O'Connell's office to straighten it out. Councilman Arnold thought the board should meet with Jean O'Connell to discuss future contracts. Supervisor Mileham will set up a meeting.

AUDITOR AGREEMENT, DRESCHER & MALECKI – An employee from Freed Maxick & Battaglia is now helping the Town do the monthly vouchers, payments and financial books so they suggested that the Town go with another auditor for the 2012 audit. Drescher & Malecki LLP were suggested by Laura Landers. There is a resolution for this on the agenda.

CEMETERY – The Board discussed the grant for the North Pembroke Cemetery. Supervisor Mileham spoke with Craig Wolcott about repairing stones. Councilman DeWind said he would also like to see twenty more stone repaired at the Brick House Cemetery on Main Road.

ROUND TABLE DISCUSSION

Councilman Sformo – Councilman Sformo said that once the stove at the Community Center is removed he would like the Town to purchase a new stove to replace it as soon as possible. Mr. Sformo provided the Board with stove options for replacement. Councilman Worth asked if we should wait to replace the stove until the roof is done. The board decided to get a new stove in there soon due to upcoming events already reserved at the Community Center. Councilman DeWind said the board should seriously consider a 48” or 60” stove with two ovens, electronic pilot and griddle. Councilman Arnold said it should also include installation. Councilman Arnold said that the board needs to plan for future projects at the Community Center and feels that if it is fixed up the town could have the potential for increased renting of the facility.

A **MOTION** was made by Councilman Arnold, seconded by Councilman Sformo to have the committee obtain the required quotes for a 60” stove not to exceed \$9,000.00.

ALL AYES - MOTION CARRIED

Councilman Sformo asked if the board had any opposition to the Planning and Zoning Board members taking their required annual training courses online as opposed to on-site at various locations throughout NYS. The board felt that as long as they online courses gave them the requirements needed then they had no problem with taking the courses online.

Mr. Sformo informed the board that all the materials have been ordered for the replacement of sinks and counter in the ladies bathroom at the Pembroke Community Center.

Councilman Worth – Mr. Worth suggested that the Board put the Mertie Doll house up for sale now that the land separation and merger have been done. Councilman DeWind will get to work on getting it on the market.

Councilman DeWind – Mr. DeWind has been make inquiries for new swings at the town park. He hopes to get things going in early spring.

Mr. DeWind received a petition with sixty six signatures from PYA listing what improvements they would like to see at the Pembroke Town Park. The park committee will look over the petitions and report back to the board.

Superintendent Stocking – Mr. Stocking asked the board to consider asking the highway department to do projects at the town park before sending them out to bid.

RESOLUTIONS

RESOLUTION # 14 of 2013 – Authorization for Town Supervisor to sign the Municipal Cooperation Agreement with the Village of Corfu for Sewer District # 1

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 The Town was informed by New York State that a new Municipal Cooperation Agreement needed to be signed between the Village of Corfu and the Town of Pembroke for the Town Sewer District #1; **NOW, THEREFORE, BE IT**

RESOLVED to authorize Town Supervisor Edwin F. Mileham Jr. to sign and execute the Municipal Cooperation Agreement with the Village of Corfu for Sewer District # 1 as amended.

See Municipal Cooperation Agreement Attached.

RESOLUTION # 15 of 2013 – American Legion Moving Wall exhibit 2014

On **MOTION** of Councilman DeWind, 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 The American Legion Post in Alabama asked the Town if they could use the Town Park for the Moving Wall visit in June 2014; and

WHEREAS The Moving Wall is a replica of the Vietnam War Memorial in Washington, D.C., and would be on display in the Pembroke Town Park from June 11th to June 15th, 2014; and

WHEREAS the American Legion will provide 24 hour security of the Wall during the time it is in the Park; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board agrees to allow the American Legion to do what is necessary to have the Moving Wall be exhibited in the Town Park in June 2014.

RESOLUTION # 16 of 2013 - Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Worth, NAY; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Mileham, AYE. **FOUR AYES – 1 NAY – MOTION CARRIED**

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of Pembroke Town Board supports the passage of said Bills; **NOW THEREFORE, BE IT**

RESOLVED that the Town of Pembroke hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Town of Pembroke support the passage of said Bills.

Copies of this resolution to be forwarded to Senator Michael H. Ranzenhofer and Assemblyman Steve Hawley.

RESOLUTION # 17 of 2013 – Contract for Heating & Air Conditioning Award – Turnbull Heating & Air Conditioning

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; Councilman DeWind, AYE; Supervisor Mileham, AYE. **ALL AYES - MOTION CARRIED**

WHEREAS the Town of Pembroke advertised for services for heating and air conditioning maintenance contracts for the buildings at 1145 Main Road and 116 East Main Street, Corfu, NY 14036; and

WHEREAS two contract offers were received from Turnbull Heating and Air Conditioning, 50 Franklin Street, Batavia, NY 14020 and Crosby Brownlie, 100 Nassau Street, Rochester, NY 14605 with the lowest contract offer being from Turnbull Heating and Air Conditioning; **NOW, THEREFORE, BE IT**

RESOLVED, the Town of Pembroke Town Board, authorizes the Pembroke Town Supervisor to enter into a renewal contract, for 2013, with Turnbull Heating & Air Conditioning of 50 Franklin Street, Batavia, New York 14020, for the scheduled maintenance of the Town of Pembroke Community Center, located at 116 E. Main Street, and the Town Hall located at 1145 Main Road, Corfu, New York 14036.

RESOLUTION # 18 of 2013 – Authorization for Town Supervisor to sign agreement with Drescher & Malecki LLP for the 2012 Audit

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

WHEREAS Freed Maxick and Battaglia are now working with the Town of Pembroke on monthly financial aspects there is a need for a different entity to do the 2012 audit; **NOW, THEREFORE, BE IT**

RESOLVED, that the Town Board hereby authorizes Town Supervisor Edwin F. Mileham Jr. to sign the agreement with Drescher & Malecki LLP to complete the 2012 Audit.

RESOLUTION # 19 of 2013 – Award of Bid for Town Park Excavation and Electrical

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 AWARDDING BID FOR THE
Pembroke Town Park Excavation and Electrical Work
TOWN OF PEMBROKE

WHEREAS, the Town Board would like to expand the electric lines at the Pembroke Town Park for future pavilions and ball field lights; and

WHEREAS, the Town Board followed the specifications necessary from National Grid and bid out the project; **NOW, THEREFORE, BE IT**

RESOLVED, that the Town Board of the Town of Pembroke does hereby award the contract for the Pembroke Town Park Excavation and Electrical Work to the lowest bidder, McCabe Enterprises for a total amount of 14,905.42.

RESOLUTION # 20 of 2013 – Community Center Kitchen Equipment

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 the Town of Pembroke took ownership of all of the equipment on the kitchen at the Pembroke Community Center; and

WHEREAS the stove in the kitchen is unique to restaurant and users of the hall have trouble using it; and

WHEREAS the town Board has decided to replace the stove with an electric ignition stove that is more simple to use for the average person; and

WHEREAS bids were solicited for the stove in the Batavia Daily News and one (1) bid was submitted for the amount of \$90.00 for purchase, removal and capping of gas line; **NOW, THEREFORE, BE IT**

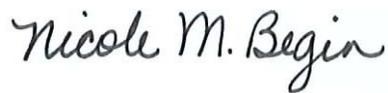
RESOLVED the Pembroke Town Board approve the sale of the Pembroke Community Center Garland Kitchen Stove to the Whistle Stop for \$90.00; and, when payment is received in the form of a certified check, the Whistle Stop can remove the stove from the premises.

Town Clerk Begin asked the board if she could purchase two desks for her office to replace the current desks. Mrs. Begin said the reason is that she needs more space to work now that she has taken on some of the financial clerk's responsibilities and that the current desks are starting to fall apart. Mrs. Begin gave the board information on types of desks and several pricing options.

A **MOTION** was made by Councilman Sformo, seconded by Councilman DeWind to have the Town Clerk purchase two new desks for her office from Eaton Office supply.
ALL AYES - MOTION CARRIED

On **MOTION** of Councilman Sformo, seconded by Councilman Worth to adjourn the meeting at 12:13 P.M.
ALL AYES – CARRIED

Respectfully Submitted,



Nicole M. Begin
Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP AND END OF YEAR MEETING OF FEBRUARY 28, 2013 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.