

MINUTES of the **Regular Meeting** of the Pembroke Town Board held on **April 10, 2013** 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

ABSENT: Gary L. DeWind, Councilman

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Tom Schneider, Planning Board Chairman; Shellye Dale-Hall, Zoning & Codes Administrator; Nathan Witkowski, ZBA Chairman; Richard Doktor, ZBA; Robert Musall, Commander, VFW Post 9000; Dan Mast.

The meeting was called to order at 7:04 P.M.

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

PUBLIC PARTICIPATION

Mr. Robert Musall asked the Town Board for help with the VFW Memorial Day parade. The VFW was informed by Genesee County highway department and NYS DOT that they are required to carry insurance coverage for all participants of the parade. The VFW was also told that they could ask the municipalities to host the parade because they already carry that type of insurance coverage. The VFW is in need of help with insurance coverage for the parade participants or they may have to cancel the parade if they have to pay for the insurance themselves.

Mr. Dan Mast told the board that he lives on Route 77 next to the Doll property that the Town purchased and is currently trying to sell. Mr. Mast said that Councilman DeWind installed 4" posts on the property lines. Mr. Mast gave the board photographs of the posts. Mr. Mast said he attempted to speak to Mr. DeWind about the posts because of concerns he has with the safety of his grandchildren possibly injuring themselves on them. The conversation was not good and Mr. Mast feels it was unethical. Mr. Mast said that he is not trying to get Councilman DeWind into trouble but would like Mr. DeWind to abstain from that behavior. He also asked the Town Board to remove the posts.

On **MOTION** of Councilman Arnold, seconded by Councilman Worth, to approve the Minutes of the Regular Meeting March 13th, 2013, and the Workshop Meeting March 28th, 2013.
ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

- Mrs. Conti reported that the assessor/zoning clerk gave notice of resignation to take a full-time job elsewhere and her last day was April 5th. Before Doneen left they drove around to assess new construction throughout the town.
- Mrs. Conti said that both herself and the HR committee have decided to hire back Mary Ann Silvernail as the part-time assessor clerk. She will mostly be working from January to March for STAR coverage and in May for Grievance day. Mrs. Silvernail will not work 52 weeks per year or 19.5 hours week.

ZONING & CODES ENFORCEMENT – Shellye Dale-Hall

- Monthly report submitted and filed.
- Mrs. Dale-Hall said that interviews were conducted with the HR committee and herself to fill Doneen Pfalzer's position as zoning clerk. Due to the short notice, the Zoning HR committee worked off the list of candidates that had applied recently to the Deputy Town Clerk position and they have decided to hire Diane Denton.
- Mrs. Dale-Hall also reported that the zoning department is already really busy with applications for building permits. She thinks this may be a record year for permits issued.
- Mrs. Dale-Hall has heard that OSHA is now regulating residential work more stringently so contractors should be aware. OSHA is currently looking at residential work being done in Orchard Park.

HIGHWAY – Stephen Stocking

- Mr. Stocking spoke with Ryan from Cold Springs Construction regarding work that will be done on the park entrance. The work is mandatory by NYS. Mr. Stocking will get the plans on Monday and will meet with Ryan. Mr. Stocking said that the town can supply the trucks and material and he will get a price from Cold Springs for cost of labor to see if this is feasible.
- Mr. Stocking asked the board to amend his budget because his CHIP money from NYS was increased by \$20,148.40.
- Mr. Stocking went to a meeting at the Genesee County Sheriff's department. He was informed that the County has applied for grants to update the radio system because the current radios are going to become obsolete. The County thinks the grant should cover radios for all the towns in the county. Mr. Stocking said that if the grant does not cover the town radios it could cost the town approximately \$24,000.00. The county hopes to have the new radios operational by March 2014. Supervisor Mileham said that they will only replace working radios. Mr. Stocking sent a report to the County listing all sixteen of the town's working radios with serial numbers.
- The highway department will begin brush pick-up at the end of April or beginning of May depending on the weather.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed.
- Mrs. Begin reported that there are 113 unpaid bills being returned to the County for a total dollar amount of \$248,829.82. We collected \$2,685,446.47 tax dollars.
- Deputy Clerk position has been advertised and six people were interviewed. A clerk has been hired and she starts work on April 22nd.

PLANNING BOARD – Thomas Schneider

- Mr. Schneider met with Doneen Pfalzer before she left to go over the Planning Board files that she has in case he needs to access them during the transition of the new clerk. Doneen's computer files are all in order and the new clerk should be able to hit the ground running. Nancy Mandolene will be helping the new clerk as she was the zoning clerk before Ms. Pfalzer.
- There are two special use permits for home occupation that will be reviewed by the Planning Board on April 24th.
- There is a meeting with the RC Pulsars on April 23rd. He spoke with the club president briefly regarding some changes that could be made if the club came to the table with their ideas. Mr. Schneider thinks that would make the meeting more productive. They have received two more complaints from neighbors in that area. Councilman Sformo asked what the general complaint is regarding the RC Pulsars. Mr. Schneider said the general complaint is noise but they have found that there are certain planes that seem to be the issue. He is not sure what the Pulsars might be able to do about those particular planes. It seems that the majority of what they fly is electric engine low-speed prop planes which do not seem to be the issue but there are other types that are more noisy. Mr. Schneider suggested to the Pulsars that they limit the time frame when the planes are flown. Mr. Schneider would like to avoid re-opening of the special use permit and the issue going to court. Mr. Sformo said that if it comes down to a problem the town Attorney said that the Town has the right to say which planes cannot be flown or can even revoke the permit. Mr. Sformo said that the Town stipulates what can be done, not the club. Mr. Schneider said that the RC Pulsars seem to be open to making some changes. Councilman Arnold asked what the RC Pulsars did wrong if anything. Mr. Schneider said it is not necessarily a fault of the Pulsars or the Planning Board. The Pulsars weren't specific enough to what their uses were going to be and the permit issued was vague. Also, the town did their due diligence and held a public hearing to which no resident came to. Mrs. Dale-Hall said that the only possible violation was the one or two unintentional crashes.
- Mr. Schneider and Mr. Witkowski are meeting with zoning officer Shellye Dale-Hall to discuss items on their agendas.

ZONING BOARD OF APPEALS – Nathan Witkowski

- Mr. Witkowski reported that they have two items that were approved in March. They approved a five foot variance and a front yard setback variance. Both of the items were also approved by the County. There are a couple items on the agenda for April 17th.

JUSTICES – Robert Alexander & David O’Connor

- Supervisor Mileham read the March monthly reports. March fines and fees remitted to the Town ~ Alexander \$18,380.00 & O’Connor \$36,785.00.

SUPERVISOR – Edwin F. Mileham, Jr.

- Mr. Mileham said that the audit is almost finished and the board should have a report by the workshop meeting.

COMMITTEE REPORTS

Audit, Finance, Insurance, Investment, & Purchasing – Edward Arnold Jr

- No report at this time.

Building & Ground, Highway Assessment, Court – Gary DeWind

- Councilman Sformo reported that the door that was hit at the Corfu building was replaced and the wall was repaired. The ladies bathroom is almost complete. The stove is ordered and should be in place in the next couple of weeks.

Planning, Zoning, Code Enforcement, Public Safety – Pete Sformo

- Mr. Sformo said that he is still working with the Planning and Zoning boards to get a group together to update the zoning law. They would like to make changes all at once.

Public Svcs., Water, Sewer, Refuse/Recycling, Economic, Intermunicipal, & Community Development – Pete Sformo

- Mr. Sformo said that the Bond resolution came in today from the Attorney for the sewer district. There are still there easements not signed.

Youth Recreation Parks and Recreation, Land acquisition, Cemeteries – Gary DeWind

- Supervisor Mileham said that the Youth Recreation forms are all submitted.
- A National Grid Representative will be at the Town Park on Thursday April 11th at 1:00 P.M. to look at the site where the new electric lines will be placed.
- Supervisor Mileham has been trying to reach Craig Wolcott regarding repairing more headstones at the North Pembroke Cemetery. Also getting an estimate from Dave Barsuk for the same.
- Supervisor Mileham gave a printed update to the board regarding the number of online inquiries made on the Doll property. The new gas line to the Doll property is being worked on. The deposit required to get the gas hooked up is being sent on Friday.

Human Resources/Benefits – Ed Mileham Jr.

- Supervisor Mileham reported that three people have been hired. Mary Ann Silvernail to fill the assessor clerk position, Diane Denton to fill the zoning clerk position and Sarah Gibson to fill the Deputy Clerk position.

IT, Grants- John Worth

- Mr. Worth reported that a car accident caused a major power outage last week causing us to lose a couple surge protectors. The back-up system did its job so nothing was lost.
- There is a grant that was turned over to the history department to see if there is interest in applying.
- Docuware will be here on Tuesday April 16th to update the system and get it fully functional.

OLD BUSINESS

- The Sewer Project - the contract has been signed and sent back to DEC for signatures by the Comptroller and Attorney General. We still have three easements left unsigned.
- The electric line from the main pavilion at the Town Park to the new pavilion and the New Score Board is being worked on by McCabe Electric.

NEW BUSINESS

- Municipal Solutions – Bond resolution is on the agenda for the Sewer Project.
- Public Hearing - April 16, 2013 at 4:00 pm, by the GCEDC for Yancey Fancy Project
- VFW Parade – Supervisor Mileham spoke with Mr. Musall and Bill Joyce from the Veteran’s Administration regarding the NYS regulations for insurance of parades. Mr. Mileham forwarded the information on to the Town insurance provider and was informed that the town is covered for such events but would have to be the event sponsor and should have all participants sign a hold harmless agreement. The Town Attorney looked over the information and said the same.

A **MOTION** was made by Councilman Arnold, seconded by Councilman Sformo to accept responsibility for the VFW Memorial Day Parade and to sponsor it with the VFW still coordinating it.

ALL AYES - MOTION CARRIED

Councilman Sformo will be the contact for the VFW coordinators.

Commander Musall thanked the Town Board and said that many veterans really look forward to this event.

Councilman Worth spoke with some employees regarding classes being offered at the BEST Center at GCC. Supervisor Mileham said that the employees would be reimbursed for cost if they took a class that could benefit the town.

Councilman Sformo reported that Scott Strollo bought mirrors for the Community Center ladies bathroom at Valu Home Centers. When purchased Scott presented our tax exempt certificate but was told that it could not be accepted and that an account would need to be set up with Valu’s Corporate Office. Town Clerk Begin called to set up the account was told that Valu no longer does that.

Councilman Sformo asked that the new employees be asked to become notaries.

RESOLUTIONS

RESOLUTION # 27 of 2013 - Appointment Clerk/Typist (PT) Zoning

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; Supervisor Mileham, AYE.
ALL AYES - MOTION CARRIED

WHEREAS a current vacancy exists within the Zoning Department; and

WHEREAS The Town of Pembroke has conducted personal interviews of applicants from current applications on file; **NOW, THEREFORE, BE IT**

RESOLVED that Diane Denton of Corfu N.Y., is hereby appointed to the position of Clerk/Typist for the Zoning Office for the Town of Pembroke. This is a part time position, not to exceed 19 ½ hours per week. This position carries a one (1) year probationary period, from date of this appointment, per Genesee County Civil Service regulations.

RESOLUTION # 28 of 2013 - Appointment Clerk/Typist (PT) Assessment

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; Supervisor Mileham, AYE.
ALL AYES - MOTION CARRIED

WHEREAS a current vacancy exists within the Assessment Department; and,

WHEREAS The Town of Pembroke has conducted personal interviews of applicants from current applications on file; **NOW, THEREFORE, BE IT**

RESOLVED that Mary Ann Silvernail of Corfu N.Y., is hereby appointed to the position of Clerk/Typist for the Assessment Office for the Town of Pembroke. This is a part time position, not to exceed 19 ½ hours per week. This position carries a one (1) year probationary period, from date of this appointment, per Genesee County Civil Service regulations.

RESOLUTION # 29 of 2003 – Budget Amendment– Highway Department

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; Supervisor Mileham, AYE.
ALL AYES - MOTION CARRIED

WHEREAS, a request has been made by the Town of Pembroke Highway Superintendent to amend the Highway Department’s budget to reflect an increase in CHIP monies being given to the Town by NYS; and

WHEREAS, this request would increase the Part-Town Capital Improvements budget line item by \$20,148.40; **NOW, THEREFORE, BE IT**

RESOLVED, that the Town of Pembroke hereby approves the budget amendment as follows

Increase line DB5112.2 by \$20,148.40

RESOLUTION #30 of 2013 - Appropriation of New York State Office of Justice Court Administration Grant

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

WHEREAS The Town of Pembroke has received a New York State Office of Court Administration Grant in the amount of \$5,502.01 to be used for certain court expenses; and

WHEREAS the Pembroke Town Board considers advisable to track these expenses to correlate then to the grant; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board appropriates these funds in the Municipal Court - Contractual - JCAP line item using the Budget Journal entries as follows:

A3389	Other Public Safety - JCAP Grant	\$5,502.01	
A1110.45	Municipal Court - Contractual -JCAP		\$5,502.01

RESOLUTION # 31 of 2013 – Education/Highway Superintendent

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; Supervisor Mileham, AYE.
ALL AYES - MOTION CARRIED

WHEREAS, a request has been made by the Town of Pembroke Highway Superintendent to attend the 2013 Highway School at Ithaca College, Ithaca NY; and

WHEREAS, this request falls within the scope of the Highway Superintendent’s duties; and

WHEREAS, the cost of this schooling (\$100.00) is within the operational budget of the Highway Department and creates no extra cost to the town; **NOW, THEREFORE, BE IT**

RESOLVED, that the Town of Pembroke hereby approves the request to attend the 2013 Highway School.

RESOLUTION # 32 of 2013 – Payment of Abstract #4 of 2013

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; Supervisor Mileham, AYE.
ALL AYES - MOTION CARRIED

RESOLVED that the Town Board of the Town of Pembroke authorizes the Town Supervisor to make all payments and bills contained in Abstract # 4 of 2013.

RESOLUTION # 33 of 2013 - BOND RESOLUTION

The Board discussed questions they had regarding the Bond resolution received and felt they needed more time to look it over and wanted some questions answered. A special meeting will be set up on Wednesday April 17th at 7:00 P.M. to discuss further and possibly vote on the resolution.

Five proposals were received for seven port-a-john rentals in the Town Park. Town Clerk Begin sent out RFP's to fifteen companies in a fifty mile radius. The RFP was for seven port-a-johns, cleaned twice a week, for seven months. The proposals were as follows:

Creekside Septic, Inc.	\$3,185.00
EZDoesit	\$3,871.00
Ball	\$5,096.00
Thomas McGinnis	\$8,500.00
Julie's Portable Toilets	\$10,048.50

A **MOTION** was made by Councilman Sformo, seconded by Councilman Arnold to accept a proposal from Creekside Septic for \$3,185.00 for seven Port-a-johns, cleaned twice a week for seven monthswith one being handicapped accessible.

ALL AYES - MOTION CARRIED

On **MOTION** of Councilman Arnold, seconded by Councilman Worth to adjourn the meeting at 8:40 P.M.

ALL AYES – CARRIED.

Respectfully submitted,

Nicole M. Begin

Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF APRIL 10, 2013 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.