

MINUTES of the Pembroke Town Board **Workshop** held on **April 25th, 2013** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

PRESENT: Edwin F. Mileham Jr., Supervisor
Peter G. Sformo, Councilman
Gary L. DeWind, Councilman

ABSENT: Edward G. Arnold, Jr., Councilman
John J. Worth, Councilman

OTHERS PRESENT: Nicole Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Taylor McCabe, McCabe Enterprises; Mark Masse, GCEDC; Tom Carpenter, Clark Patterson Lee; Mike George, 77 Construction; Tom Schneider, Planning Board Chairman; James Rupracht, The Market; Dave Bielec, Corfu Village Trustee.

The Workshop was called to order at 7:25 A.M.

Mr. Rupracht from The Market spoke with the Town Board regarding the signage for his business The Market. The NYS DOT is enforcing regulations regarding signage on State highways. Mr. Rupracht was told that he needed a permit with the town in order to get the permit by the state. There was a discrepancy with the zoning officer's interpretation of the zoning law regarding signage located outside of the village for a business located within the village. Councilman Sformo spoke with the zoning officer about this and Mr. Rupracht will submit his permit for the sign for his business.

Village Trustee Dave Bielec spoke with the board about holding a sewer informational meeting in May for the residents of the Village and Town. The Board agreed that it would be a good idea to hold the meeting. The Village clerk will schedule it.

The Village Board requested to have the locks changed at the village offices in Corfu. Supervisor Mileham informed Mr. Bielec that the locks would be changed today. There was also a request for bars to be placed on the windows in the Village Court Clerk's office. Councilman Sformo asked about a safety issue with putting bars on the window since it is the only exit in case of emergency. Mike George from 77 Construction/Brier Hill will look into different options for the windows and prices and will let the board know what he comes up with. He is also working on the rekeying the doors.

OLD BUSINESS

ELECTRIC AT THE TOWN PARK – Taylor McCabe informed the board that National Grid requires a three-foot horizontal separation on lines at the park if the town wants to put the electric line and water line in the same ditch. Mr. McCabe will provide the Town with drawings of where the new electric lines will be. The Board discussed whether or not to go forward with extending the water line at the town park. After some discussion it was decided that electric will be run on the north side of the driveway and water will be on the south side of the driveway.

Mr. McCabe said that the Town has the option to put in a light pole at the park when the electric lines are extended. They would be similar to street lights and could be placed at the back parking lot and up by the new pavilion. These lights would make it possible for the sheriff to see if anyone is back in the park at night. Councilman DeWind would like to find out how much it would cost to run the extra lights. The Board would like to discuss further.

Councilman Sformo asked if the driveway would need to be closed when the digging is being done at the park. Mr. McCabe said they would probably close the driveway for the day while the work is being done.

Mr. McCabe said that the original scoreboard information submitted with the original project is still the same. The sign would be 7'x10' in size. Highway Superintendent Stocking said that the Town should make sure the scoreboard is insured in case of damage by wind, etc... Mr. McCabe said that they would like to move forward with ordering the scoreboard. The board had approved purchase of the sign at a previous meeting so Mr. McCabe will order the sign. Mr. McCabe also said that the scoreboard has a built-in wireless keyboard and due to the cost of replacement of the keyboard he suggests that the town should keep the keyboard at the Town Hall and require a credit card for rental in case of damage, theft or loss. The cost to replace the keyboard is very costly.

LIGHTING AT TOWN PROPERTIES – Lime Energy has started paperwork on the replacement of the lighting at town properties. They will be working with National Grid and McCabe Electric on replacing all the lighting with energy efficient fixtures through a grant. Mr. McCabe said they will begin the actual work in June.

SEWER PROJECT – Supervisor Mileham reported that the sewer contract was approved by both the State Comptroller and the Attorney General. Councilman DeWind and Councilman Sformo met with Bailey Electric because they would like to bid on the grinder stations for the sewer project. Engineer Tom Carpenter from Clark Patterson Lee will keep that in mind when the project goes out to bid and if a contractor is looking for a sub-contractor for that part of their proposal they will give them a list of providers and can add Bailey electric to that list. Bailey Electric can also contact contractors on their own.

Tom Carpenter said that we are now in a position to get the sewer project out to bid. The DEC grant has been approved and Bond Resolutions have been passed by both the Town and Village, allowing us to move forward with the bidding process. Currently the Village is planning to open bids on June 12 and Town bids can be opened on June 14 with hopes of awarding the contract at the Town's June 27 Workshop Meeting. Mr. Carpenter will get the necessary information to the Town Clerk for advertising. Councilman Sformo will work on trying to get the last three easements signed. There is an issue with one of the owners about how the DOT left her driveway last year. The sewer use law still needs to be worked out.

The Board discussed how to proceed if the last three people do not sign their easements. Councilman Sformo asked if the line could be put on the other side of the road where those three locations are. Mr. Carpenter said it is possible but costly. Councilman Sformo will again contact the two people whose easements were changed to suit the owners and will talk with the NYS DOT to see if anything can be done at the property where the DOT has not repaired a driveway. The owner wants the driveway fixed before they will sign a different easement with the Town.

Tom Carpenter said a roofing specialist is looking at the community center roof today to get moving on the repair/replacement of the roof. They will meet with the committee after today and would like to get the roof project out to bid and construction done by winter.

UPDATE GCEDC - Mr. Masse said CFO Lezlie Farrell from his office is meeting with Laura Landers from Freed Maxick and Battaglia to go over bills submitted by the Town of Pembroke and how the EDC will distribute funds for those bills. The Village of Corfu grant has been submitted. Letters of support are being requested from area businesses within the sewer district for the grant.

UPDATE FROM PLANNING BOARD – Planning Board Chairman Tom Schneider met with the RC Pulsars on Tuesday April 23rd. There was a lot of discussion about noise due to complaints received but the meeting basically went nowhere. The RC Pulsars will meet with the Planning Board on location.

NYS DOT PERMIT FOR PARADES – Robert Musall stopped in to drop off the permit from the DOT for parades. Councilman Sformo is going to fill out the information needed from the Town of the VFW parade. The board discussed possibly doing a resolution opposing to the new DOT parade permit. The board thought it should be brought up at GAM and see if any other Town's feel the same.

NEW BUSINESS - None

ROUND TABLE DISCUSSION

Superintendent Stocking – Mr. Stocking said that Cold Spring's is putting a price together for the park entrance work that is required by the NYS DOT. The Town would supply the trucks. Mr. Stocking explained that anyone who wishes to put a driveway in on a state road must follow the DOT's direction on how it is to be done. Mr. Stocking asked if there was any park grant money left over that could be used on the park entrance. Supervisor Mileham said that we are still waiting for the final \$10,000.00 from a grant long ago that was never received. Mr. Mileham will make a call to find out where that money is.

Superintendent Stocking said that he can have Millennium Roads spray the park driveway for dust again this year for a cost of approximately \$1,800.00 for 2-3 applications in 2013.

 A **MOTION** was made by Councilman DeWind, seconded by Councilman Sformo to have Millennium roads spray the entire park driveway for dust control three times in 2013.

ALL AYES - MOTION CARRIED

Councilman DeWind – Mr. DeWind asked the highway Superintendent to have stone spread at the park near the driveway for emergency vehicles to park when there is an event.

Mr. DeWind said that most of the items that needed to be removed from the Mertie Doll property have been removed and properly disposed of. We are still waiting for National Fuel to run the gas line to the house from the main line on Alleghany Road. A new front screen door will be installed as well as painting the green trim.

Mr. DeWind reported that Todd Skeet from PYA asked if sand could be brought in to the park for the fields. The sand has been spread on the ball fields and they are looking good. The toilets in the ladies bathroom at the Town Park were invaded by mice and the nests have been removed.

Councilman DeWind received quotes for the new playground equipment at the Town Park. Three quotes were sought. The first quote was for \$13,739.00 from R.E. Woodson, the second was \$14,115.00 from Parkitects. Several attempts by phone were made to obtain a third quote from Tiny Tots Playground equipment but nothing still has been received.

Mr. DeWind thanked the highway superintendent for all the work his department has been doing at the park. The highway department will be grading the park driveway again.

A fax has been received from 77 Construction/Brier Hill for the roof over the Corfu Fire Hall truck bay door. The cost to put a roof on is approximately \$3,840.00. Since the door was hit by a truck and damaged the repairs should be covered by insurance. Supervisor Mileham will call Tompkins to find out if there is insurance coverage for the roof.

Councilman Sformo – Mr. Sformo said that Clark Patterson has looked at the roof on the Community Center and will get a report to the Town Board.

The Community Center Stove has been ordered and will be delivered soon.

Councilman Sformo said that in 2010 Justice Alexander hired a resident to work security for him at the Pembroke Court. Justice Alexander was advised that he did not have the authority to hire security officers without board approval and would have to pay him out of his own pocket. The resident was never paid. The Board talked about it and decided to pay this man for his three hours of service in 2010.

Mr. Sformo said that the Village of Corfu clerks have asked that their offices be painted. Supervisor Mileham said that the Judges have also asked to have automatic flushers on the toilets at the court location. Councilman Sformo will start working on getting these things done.

RESOLUTIONS**RESOLUTION # 34 of 2013** – Opposition of NYS SAFE Act

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

A resolution condemning the manner and passage of the erroneously named NY SAFE Act and supporting repeal of state legislation infringing on the second amendment of the Constitution.

WHEREAS the members of the Town Council of the Town of Pembroke, New York have been elected by the approximately 4,500 residents of the Town of Pembroke as their representatives; and

WHEREAS said members have taken an oath; indeed the very same oath as the members of the Senate and Assembly, as well as the Governor, of New York State; to uphold the constitution of the State of New York and the Constitution of the United States of America; and

WHEREAS said constitutions contain clauses protecting the individual, inalienable, God-given right of the citizens of the United States of America and the citizens of the State of New York to keep and bear arms without infringement; and

WHEREAS on January 15, 2013 the Legislature of the State of New York passed the erroneously named NY SAFE Act which contains multiple violations of said rights; and

WHEREAS this passage occurred within a period of less than twenty-four hours of introduction to the legislature, thereby not allowing the mandatory three day review period; and

WHEREAS this avoidance of the mandatory review period was accomplished by the Governor's declaration of a Message of Necessity; and

WHEREAS the reasons listed by the Governor in his request for said Message of Necessity are wholly inadequate, completely inaccurate, and without justification; and

WHEREAS the aforementioned infringements upon the rights of the citizens of New York State will have no effect in reducing crimes committed with firearms; and

WHEREAS the sacrifice of freedoms for the illusion of security secures neither;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Pembroke of the County of Genesee of the State of New York hereby condemns the manner in which the aforementioned legislation was passed and finds the actions of the Governor deplorable and unbecoming of an elected official and representative of the people of New York State; and be it further

RESOLVED, that the Town of Pembroke demands a public apology by the Governor for his abuse of the legislative process of the State of New York; and be it further

RESOLVED, that the Town of Pembroke demands the complete and total repeal of the NY SAFE Act of 2013 in its entirety by the State Assembly and State Senate members; and be it further

RESOLVED, that the Town of Pembroke demands the State Assembly and State Senate, in the very near future, consider legislation which repeals various laws currently in place that infringe upon the rights of the citizens of the State of New York to keep and bear arms, including, but not limited to, the following:

- Firearm magazine capacity limitations;
- Requirements for permits to carry a firearm concealed;
- Limitations on the aesthetic appearance of certain firearms, erroneously referred to as “assault weapons;”
- Restrictions on locations where firearms can be carried, both openly and concealed, including State Forests and Parks; and
- Restrictions on other arms constitutionally protected under the second amendment including knives, pepper spray, swords, air/spring rifles, etc.; and be it further

RESOLVED, that the Town of Pembroke finds these aforementioned and any other infringements upon the right of the citizens to keep and bear arms unconstitutional and illegal; and be it further

RESOLVED, that the Town of Pembroke hereby urges nearby towns to enact similar resolutions urging the State Legislature to action; and be it further

RESOLVED, that certified copies of this resolution be delivered to the following individuals: President Barack Hussein Obama; Governor Andrew Cuomo; Senator Kirsten Gillibrand; Senator Charles Schumer; Representative Thomas Reed; State Senator Catharine Young; State Assemblyman Joseph Giglio.

RESOLUTION # 35 of 2013 – Purchase of Playground Equipment for Town Park

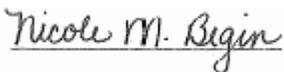
On **MOTION** of Councilman DeWind, seconded by Councilman Sformo, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Mileham, AYE.
ALL AYES - MOTION CARRIED

WHEREAS Councilman DeWind received two quotes and has made several attempts to obtain and a third quote from Tiny Tots for new playground equipment for the Town Park; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board authorizes Councilman DeWind to move forward with the purchase of playground equipment for the Pembroke Town Park from R.E. Woodson for a cost of \$13,739.00.

On **MOTION** of Councilman Sformo, seconded by Councilman DeWind to adjourn the meeting at 11:30 A.M.
ALL AYES – CARRIED

Respectfully Submitted,



Nicole M. Begin
Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP MEETING OF APRIL 25, 2013 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD. APPROVAL OF MINUTES BY THE TOWN BOARD ARE DONE AT THE NEXT REGULAR TOWN BOARD MEETING.