

**MINUTES** of the Pembroke Town Board **Workshop Meeting** held on **June 27<sup>th</sup>, 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  
Edward G. Arnold, Jr., Councilman  
John J. Worth, Councilman

**OTHERS PRESENT:** Nicole Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Tom Schneider, Planning Board Chairman; Mark Boylan, Attorney; Ken Lauer, Village of Corfu Trustee; John Cima, Pembroke School Board President; Mike Nuwer, Pembroke School Superintendent of Buildings & Grounds; Matt Calderon, Pembroke School Superintendent; Keith Tyson, Troy and Banks.

The Workshop was called to order at 7:31 A.M.

### **OLD BUSINESS**

**SEWER PROJECT** – Councilman Sformo said that we are waiting for the NYS Comptroller to approve the transferring of money from the Town grant to the Village of Corfu for the sewer project. There are still three outstanding unsigned easements that could hold up the entire project if they remain unsigned so in order to get the project moving the engineers are working with NYS DOT to try and get use of the right of way in those locations. One of the individuals who has not signed their easement has a pump station that would go on the corner of their lot and the resident does NOT want the pump station in that location so the engineers are looking to move the pump station west down Cohocton Road. The movement of the pump station will increase the cost of the project by approximately \$50,000.00 but the owner may be more receptive to that move. The cost to move the pump station is lower than it would cost to move it North or East on Route 77. Engineers Tom Carpenter is working on the designs to move the pump station and easement issues. He recommends awarding the bids on July 10<sup>th</sup>.

Mr. Carpenter suggests the Town work on the sewer use law and grinder station requirements with the Town Attorney. He suggests sending a letter to residents regarding the requirements for connection and grinder stations.

The Village of Corfu Board agreed to move forward with the project with the help of the Town. The Corfu Board may be willing to forego the 3% interest that the Town residents would have been paying.

Attorney Mark Boylan said the sewer bids should be awarded in the next few weeks. Also, the Bond Resolutions do not need to be redone for either the Village or the Town. Mr. Boylan spoke with the DEC and they think the project should still be able to move forward with the Town helping the Village with the grant money awarded but the State Comptroller will be the entity to make that call.

AGREEMENT WITH SCHOOL FOR PARK MAINTENANCE – The Town Board discussed the Park proposal agreement that was received from the Pembroke School district. The school is proposing that they continue to maintain the park property with first use of the fields in exchange that the Town pays \$8,500.00 for that service. The school currently pays the Town \$19,500.00 per year for snow removal at all three school buildings and suggests the school reduce the payment of that snow removal charge by \$8,500.00 to cover what they would charge the Town for park maintenance. Highway Superintendent Stocking said that we are the only Town in the County that does snow removal for the school and that the Town charges the school significantly less than the \$30,000.00 that they would have to pay per year to an outside snow removal contractor. Mr. Stocking said that clearing the school lots takes an hour and a half of time that they are not spending plowing the roads in the morning. Mr. Stocking said that the town has been doing the plowing at the school for ten or more years.

Councilman Arnold is not in favor of paying the school \$8,500.00 to maintain the park and thinks that the town should maintain it if that is what the school wants to charge. Councilman Sformo also feels that the town should take over the park. Supervisor Mileham said his feeling is the park is the Pembroke Town Park, it is not the school's park, the PYA's park or the Lyndonville Tiger's park and he thinks that the town needs to take care of the park. The Town needs to do the scheduling, the maintenance and everything else that goes with it. Mr. Mileham said it will cost the town money but it is the Town Park. Mr. Arnold said that the Town would need to purchase a lot of equipment to maintain the park and thinks that the Town and school needs to work together to come up with an agreement that works for everyone.

Councilman Arnold said that if the school had purchased the property it would have cost them more than \$8,000.00 per year and that the Town has already spent millions of dollars on the park for drainage, water, electric, buildings, sports fields and playground equipment. Councilman DeWind concurred and said that the town has spent a tremendous amount of money in the park on the fields due to water run-off from the work that was done on school property.

Mr. Calderon spoke to the board about the needs and dilemmas that the school faces due to cuts in state funding.

Councilman Arnold explained how the purchase of the park came about. Mrs. Mertie Doll mentioned that she was going to sell 97 acres of property so the town approached her about purchasing the property for the development of a park. Within a few weeks Mrs. Doll told the Town that the School was also interested in purchasing the property so the price per acre was increasing. To avoid a bidding war and possible increase in price per acre the town spoke with Superintendent Mix at the school about the town purchasing the property with the agreement that the school would be able to use the property without the school needing to put forth any money and having to pass it through a budget process. In turn Mr. Mix at the school agreed that the school would maintain the park property with the understanding that the school would get first use of the fields. This agreement was a handshake agreement and was never put in writing. This agreement saved the taxpayers money because the school did not have to budget for the purchase and increase school taxes. The town was able to purchase the property by permissive referendum without raising taxes.

Mr. Calderon, Mr. Cima and Mr. Nuwer were not aware of the way the park purchase and unwritten agreement came about and agreed to take the information back to the School Board to see how they wish to proceed.

The Town Board reiterated that they have an issue with paying the school for park maintenance when the school has full and first use of the fields and does not pay for any major improvements including fixing the water problem caused by renovations done on school property.

Councilman Worth said that the Park Committee and school officials need to put an agreement in writing.

Councilman Sformo said that PYA should have no say in the agreement with the school and town regarding the park.

**MUNICIPAL SOLUTIONS CONTRACT** – Attorney Mark Boylan is working with Municipal Solutions to provide the town with a better contract to sign.

**COMMUNITY CENTER ROOF** – Engineer Tom Carpenter gave the Town Board a proposal for the repair of the roof at the Community Center building. There are two options and the board discussed bidding out both options. The Board decided to put the job out to bid with the help of Engineers at Clark Patterson Lee. Tom Carpenter will proceed with bidding out both options.

## **NEW BUSINESS**

**BAS SOFTWARE** - Representatives from Business Automation Services Inc. were at the office to demo computer software that they offer for municipalities. They demonstrated Town Clerk software, Zoning software and explained what they have to offer in the way of website design. They also offer financial software which they will demo to town employees at a later date as to not overwhelm us with too much at once. They will teleconference that training.

BAS is also in the process of creating a program for highway superintendents. At this time they gave a quote for the Town Clerk Software only. The first year investment is \$4,260.00 with an annual cost of \$600.00 for annual support and maintenance. Town Clerk Begin was very impressed with the software and its abilities. BAS is also the only vendor to do annual training on enhancements of their software. The Board will look it over and decide whether to move forward.

**UTILITY BILL SAVINGS** - Keith Tyson from Troy and Banks spoke with the board about saving money on fuel and electric billing for the town. Troy and Banks did an audit of the bills the town has received and thinks there could be possible savings in the electrical billing. Councilman Worth said that the town will be saving money once the new lighting is installed throughout the properties by McCabe Electric and Lime Energy and doesn't think that a fixed price at this time would benefit the town. Supervisor Mileham will contact Mr. Tyson when the town board knows more about savings after new electrical is installed.

## **ROUND TABLE DISCUSSION**

**Supervisor Mileham** – Mr. Mileham received a letter from the Village of Corfu regarding unsigned lease agreement between the Village and the Town. They also sent a check for rent for the amount that was due in 2012 instead of the 2013 amount. The Village is willing to pay the 3% increase for 2013 but do not want to sign a two year contract. They would be willing to sign it annually, one year at a time. The Board agreed that a new lease agreement will be drawn up for one year at a time.

Mr. Mileham said that Assessor Debbie Conti has submitted a letter asking for reappointment. She has been reappointed in both Darien and Bethany.

Mr. Mileham spoke with Freed Maxick about the bill we received and explained the charges to the board were in regards to them having to re-organize and clean out the financial office because the prior employee had not boxed and filed several years of paperwork. The Board discussed their dissatisfaction about not receiving monthly reports and that they have not heard how the 2012 audit went.

Supervisor Mileham reported that he spoke with the Batavia Town Supervisor about applying for a NYS Trails grant to build a connecting bicycle trail with the town of Batavia. The grants are awarded to municipalities that work together with other towns to connect trails. Grant writers at J.O'Connell have said that the grants are going to be announced soon.

**Planning Board Chairman Schneider** – Attorney Mark Boylan said there is still some controversy regarding the Humel property on Indian Falls Road. The Attorney is going to do what he can to try and get the issues resolved but feels that the Town will end up in court from one side or the other. If that ends up happening the judge would make the call.

Mr. Schneider said the RC Pulsars neighbors were at the Planning Board meeting on June 26<sup>th</sup>. Most of the residents are having an issue with the helicopter that is being flown. The Planning Board is trying to come up with a solution to make both sides happy. The Planning Board realizes it is taking a lot of time but they want to make sure it is being resolved correctly.

**Superintendent Stocking** – Cold Springs Construction will charge \$4,416.00 to do the entrance to the park which is mandated by NYS DOT. They will supply manpower and equipment and the town will be responsible for the dump trucks and material. They will start the work on Monday July 1<sup>st</sup>. The striping will be put down in August.

**Councilman DeWind** – Mr. DeWind said that one of the spring playground equipment toys was broken at the Park. Two new springs have been purchased to repair it.

Signage will be placed on the new emergency vehicle parking lot notifying that it is for “Emergency Vehicles Only”.

Mr. DeWind said Scott Strollo is working on some small projects at the Doll property.

**Councilman Worth** – Mr. Worth asked if it would help to have some landscaping done at the Doll property to help it sell. Supervisor Mileham said that the realtor said that if the town really wants to sell the house they need to lower the price. The Board agreed that they would like to sell it before winter and school starts. Mr. Mileham said there has only been one call of interest on the property since it went on the market. The Board decided to lower the price to \$109,900.00.

Councilman Worth said that the park committee should think about hooking the park up to the sewer district. Supervisor Mileham said that the park should have to be hooked up since the residents in that area have to. Councilman Worth and DeWind said it would cost a small fortune to run the sewer line to the pavilion and the septic system is only a few years old. Councilman DeWind said the use wouldn't justify the cost.

**Councilman Sformo** – Mr. Sformo asked the park committee to decide if other vendors can sell food in the park during events. Mr. Sformo suggested limiting it to local vendors from the Town only. Councilman Worth said it should fall under peddlers licensing.

Mr. Sformo said the stove at the Community Center is ready to use. It cannot be cleaned with soap. Mr. Mileham suggested signage be placed to let people know. The Zoning Committee meetings are going well.

Mr. Sformo said he sat through the BAS software demo and he was very impressed and thinks it is a wise investment.

## **RESOLUTIONS -**

### **RESOLUTION # 41 of 2013 – Payment of Freed Maxick Invoice**

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

**WHEREAS** an invoice for Freed Maxick was included in the Abstract of Unaudited Vouchers No.6 dated June 12, 2013 that was not paid because the Town Board had questions regarding the bill; and

**WHEREAS** the questions were answered and explained by Laura Landers at Freed Maxick; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor be authorized to pay the Freed Maxick Bill \$5,070.00 contained in the Abstract of Unaudited Vouchers on June 12, 2013.

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind to adjourn the meeting at 11:40 A.M.

ALL AYES – CARRIED

Respectfully Submitted,

Nicole M. Begin

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Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP MEETING OF JUNE 27, 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.