

MINUTES of the **Regular Meeting** of the Pembroke Town Board held on **July 10, 2013** at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: Edwin F. Mileham Jr., Supervisor
Edward G. Arnold, Jr., Deputy Supervisor
Peter G. Sformo, Councilman
Gary L. DeWind, Councilman
John J. Worth, 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; Taylor McCabe, McCabe Enterprises.

The meeting was called to order at 7:03 P.M.

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

PUBLIC PARTICIPATION – Several residents from the area of Knapp Road came to the Town Board for help regarding the RC Pulsars. The RC Pulsars are a flying group renting property on Knapp Road to fly model planes and helicopters. Some residents do not want them there mostly due to noise. Each resident spoke to the Board.

Dave Kowalski who lives at the corners of Knapp and Remsen Roads said that he came to the Planning Board and ZBA to voice concerns about the RC Pulsars. Several complaints have been filed and petitions have been passed as well voicing concerns about the group. Mr. Kowalski said he and the residents need the Town to do something about the group.

Joe Halleck Jr. who lives at 300 Knapp Road said they have been complaining for over a year. Planes have come crashing on his property and in the road and the noise is ridiculous. Mr. Halleck said more people are complaining and they need the Town to help them. Mr. Halleck expressed that “these are our homes and we just want peace and quiet”. He said the noise is there every day.

Mary Goldhawk from 212 Knapp Road said she is there in support of the neighbors regarding the complaints about the RC Pulsars. Mrs. Goldhawk said the gas engine planes seem to be the loudest. Mrs. Goldhawk said they moved to Pembroke for peace and quiet and the noise from the RC Pulsars is constant. She said she really appreciates the Town Board’s time in this matter.

Paul Goldhawk also from 212 Knapp Road said that he is very annoyed with the noise.

Suzanne Smith from 300 Knapp Road said the big concern is the noise. She also said that a helicopter crashed in her yard and they found a propeller in her front yard. Ms. Smith said that the neighbors have been to a lot of meetings and no one from the Town Board’s seems to care. She said their quality of life is completely shot.

Ms. Smith also said it seems like when the neighbors complain the Pulsars increase their flying time and that the noise is constant every day of the week. She said the “planes are always there”.

Doug VanBuren of 314 Knapp road said he is supporting the neighbor’s complaints because he cannot enjoy his weekend due to constant buzzing of noise. Mr. VanBuren thinks that when the members of the Planning Board went to inspect for noise, the RC Pulsars knew they were coming. Mr. VanBuren said he appreciates whatever the Town Board can do for them.

Joe Halleck of 300 Knapp Road said he has been complaining about the RC Pulsars for two years now. He said more than once a plane has crashed on his property. He also said that all the neighbors have been complaining and since the RC Pulsars started flying their hours have increased. Mr. Halleck said he feels like the RC Pulsars are telling the Town what to do. He said the pulsars have flown on the holidays and every weekend. Mr. Halleck asked the Board to “please help us out”.

Joe Halleck Jr. said that the Town needs to do something because if all the neighbors are complaining then there is a problem. Mr. Kowalski said that letters and petitions have been submitted to the Town because all of the residents complaining cannot make all the meetings and that some fear retaliation but also said that 90% of the neighbors surrounding the area of flight are complaining.

Planning Board Chairman Tom Schneider said that a lot of the same residents came to the Planning Board meeting on June 26th. Mr. Schneider said that according to the Special Use Permit that was issued they are not supposed to be flying before 10:00 A.M and not after dusk but said it sounds like they are flying outside of those parameters. Mr. Schneider spoke to the Town Attorney and was told that if the Board determines that the use has increased over what the Special Use Permit was issued for then the Planning Board is within their rights to reopen the permit to review and change.

Mr. Kowalski feels that the RC Pulsars are unwilling to compromise and should be told to leave. Mr. Schneider said the Town has to go through the process to make any decision made legally binding and so that both parties know what is going to happen.

Councilman Arnold asked if there are a few planes that are causing a lot of the aggravations and was told that mostly the gas planes are the problem.

Mr. Arnold also asked if the residents are against the flying of the planes all together. Mr. Halleck said that the original Special Use Permit said they would fly for 3-4 hours and feels they would be willing to agree to them flying from maybe 11:00 A.M. to 3:00 P.M. and NO Sundays. Mr. Kowalski said that they tried compromising once before and the members at the meeting took the suggestion back to the club and they turned it down. Mr. Kowalski said “We are tax payers here”. Mr. Halleck Jr. said the club disobeys every rule and boundary set up for them and they do what they want. Mr. Halleck said the main complaint is the noise and planes that are crossing the road.

Councilman Sformo asked if everyone was agreeable to limiting the hours from 11:00 A.M. to 3:00 P.M. Some of the residents were agreeable some want them gone. Ms. Smith said she does not want them there on the weekend. Mr. Kowalski said the Pulsars will not honor that. Mr. Schneider said the sit down meetings were the wrong way to handle this problem and said that is what has taken this so much time. The Planning Board is aware of the problem and will be working on this issue to get some kind of resolution one way or the other. If the Board decides that their use has expanded then they can re-open the permit, let the people voice their concerns then set stipulations on the RC Pulsars. Going this route will give the residents a chance to voice concerns.

Mr. Kowalski said that the residents know that the Board has to do what is legal but hopes that the town will get the Pulsars out of there.

Supervisor Mileham informed the residents that there is a gentleman in that area flying a red and white plane that is not a member of the club and flies at his own leisure. There is nothing the Town could do about that.

Councilman Sformo asked the residents what the consensus is. Mr. Halleck said that he would rather have them gone and said that according to the Town's Zoning Law the club should only be on an arterial highway but if the board decides they will stay he would like them limited to a time frame of four hours a day. Mr. Halleck Jr. said the only way to solve this completely is to get them out. Mr. Halleck said that when the Pulsars first came to Pembroke to fly they said they would be working with the Boy Scouts and no one knew that the club would be what they have become. Some of the residents also said that they were not notified of the public hearing when the original special use permit was applied for.

Councilman Sformo asked how many people in the area are against the RC Pulsars being there. Mr. Halleck produced a map of the area showing the location of each house where people are against the RC Pulsars being there. Councilman Sformo said that after looking at the map a majority of the residents are against the club

Councilman Arnold said the Board hears the concerns of the residents and will work with the Planning Board to get this issue resolved.

Supervisor Mileham told the residents to call him if they have any concerns.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, to approve the Minutes of the Regular Meeting June 12th, 2013, Bid Opening for Sewer Dist. No.1 June 14th, 2013, the Special Meeting June 20th, 2013, and the Workshop Meeting June 27th, 2013.
ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

- Mrs. Conti reviewed a report the Town received regarding the number of hits to the Town's ORPS website and said that it is good that people are using the site to access information that they need. In three months there were 618 visits to our ORPS site.

ZONING & CODES ENFORCEMENT – Shellye Dale-Hall

- Monthly report submitted and filed.
- Mrs. Dale-Hall said the zoning office is busy with permits.
- Tambe Electric is being heard by County Planning.
- The Zoning office has received new complaints on the Humel property. Councilman Arnold thinks that we need to let Attorney Mark Boylan field the complaints regarding the Humel property.

HIGHWAY – Stephen Stocking

- Coldspring Construction finished up the park driveway entrance today.
- The highway crew is working on Scribner road replacing culvert pipes.
- Next week the crew will work on oil & stoning roads with other town's in the County

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed.
- All paperwork has been submitted to the County Human Resources for the Joint Youth Recreation Program.
- There has been a reporting and payment issue with the Nationwide Deferred Comp and our payroll company CPP. All the necessary paperwork has been filled out and should be ok going forward. The Town Board asked Supervisor Mileham to call Nationwide and CPP into our next meeting to find out why the glitch happened and why the Town wasn't notified sooner.
- The North Pembroke Cemetery has a perpetual care fund that was set up by the Cemetery Association and can be accessed by the Town if the Board wants the principal. The board will discuss further at the Workshop meeting.
- A resident has asked to use all of the tables at the Community center at a different location for a fundraiser. The Board does not want to get into moving the tables out to other places. The Town Clerk will let them know.

PLANNING BOARD – Thomas Schneider

- Mr. Schneider reported that two land separations were seen at the June meeting. Ione of the individuals will be back in July due to special state road setbacks. They approved a land separation on Knapp Road.
- There are a few land separations on the Planning Board agenda for July.

- Planning Board is discussing the RC Pulsars with the Town Attorney. Councilman Sformo said the Planning Board should either move forward to make the Pulsars leave or fix the problem. Planning Board Chairman is not in favor of making the RC Pulsars leave town. Mr. Sformo said what makes sense to him is to hire someone to do a study, just like the state does a traffic study. The person could sit out there for a week and document all the goings on at the property then a proper decision could be made from that. Mr. Sformo said either way they are violating their special use permit but told the planning board chairman to do what the board thinks is right and move it along to get the problems resolved.

ZONING BOARD OF APPEALS – Nathan Witkowski

- Mr. Witkowski said Zach Cerasani was granted a variance to build a barn exactly the same size as is there now.
- Dawn Kuras on North Pembroke Road was granted a variance to expand their porch the length of their house but not make it wider.
- The ZBA meeting is cancelled for July 17th.

JUSTICES – Robert Alexander & David O’Connor

- The June monthly reports have been submitted & filed. June fines and fees remitted to the Town ~ Alexander \$21,635.00 & O’Connor \$39,545.50.

SUPERVISOR – Edwin F. Mileham, Jr.

- Mr. Mileham spoke with Laura Landers and Freed Maxick and Battaglia regarding the monthly reports that were received for April and May. She guaranteed the board would have the June monthly report by the Workshop meeting.
- Mr. Mileham said that money is available in A and B funds from 2012 to use for the roof at the Corfu building.

COMMITTEE REPORTS

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

- No report at this time.

Building & Ground, Highway Assessment, Court – Gary DeWind

- Councilman DeWind said that there is currently no A/C at the Corfu offices. The A/C unit broke and the cost for Turnbull to repair it is \$2,129.85. The broken unit is not one of the chosen units to be replaced with the roof repair.

A **MOTION** was made by Councilman DeWind, seconded by Councilman Sformo to have Turnbull Heating and Air Conditioning repair the broken A/C unit at the Corfu Building for a cost of \$2,129.85.

ALL AYES –MOTION CARRIED

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

- Councilman Arnold said the Zoning Committee has been working on the zoning law. A couple big issues completed are laws on cargo (overseas) containers and issues about business on arterial highways. There are proposals on increase in the size of signage for home occupation and the size of sheds allowed. Mr. Schneider feels the changes are good. The next meeting is scheduled for August 6th.
- Planning Board Chairman will present the changes to the Planning Board who can decide to approve and propose to the Pembroke Town Board.

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

- Councilman Sformo said there are three easements that have not been signed. Ms. Davis does not want the pump station located on her property. Mr. Sformo said that the committee and engineers are looking into other options that could possibly include the placing it on the vacant land at Cohocton and Route 77. Mr. Sformo will contact the property owner. The DEC said they will try to work with the Town to allow this since the property is wetland.

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

- No report at this time.

Human Resources/Benefits – Ed Mileham Jr.

- Supervisor Mileham said that because of Obamacare changes are coming into effect and the Town is waiting to hear from the insurance agent to see how they will affect the Town.

IT, Grants- John Worth

- Supervisor Mileham said that the Town of Batavia is applying for a trail grant and might be looking to connect with the Town of Pembroke. There is a committee formed in Batavia and will meet at 3:00 P.M. on Thursday. Mr. Mileham asked if anyone was interested in being on that committee. Councilman Arnold will help with that committee. Councilman Worth said that he thought the grant is matching funds grant and also that the Akron trail is much farther North and might not be feasible for the Town to connect to.
- J O'Connell forwarded grant information to the Town about funding for youth programs and since we lost some state funding for the Joint Youth Recreation Program it might be something we should look in to. Town Clerk begin will get the process started. Councilman Worth will work with the Town Clerk on the grant.

OLD BUSINESS

Taylor McCabe from McCabe enterprises said they are ready to finish the electric line the Town Park. Mr. McCabe asked if the board wants them to install lighting at the small Kiwanis pavilion at the park while they are in there doing the electrical work.

A **MOTION** was made by Councilman Arnold, seconded by Councilman DeWind to install electric power in the small Kiwanis Pavilion for a cost not to exceed \$4,017.50 as a change order from the original scope of the electrical project.

FOUR AYES – ONE NAY – MOTION CARRIED

The Board discussed putting plugs all around the perimeter of the back parking lot in the Town Park to be used for fairs and other events at the park. The board discussed what the cost would be to run more power to the area of the last parking lot now or wait and run it in the future. Mr. McCabe said it would be costly and the voltage would need to be increased. Mr. McCabe said that while running the smaller line to the new scoreboard they can run a pipe through the trench so that more power can be run to the area of the parking lot for future electrical expansion then at least the groundwork would be done and the line would just need to be run. In the future it would be beneficial to have National Grid put in a transformer at the end of the football field. To put in the transformer now it would be another \$8,100.00. Mr. McCabe will get more information and costs to the Board at the Workshop meeting so the board can decide if they want to put in the third transformer now or later.

NEW BUSINESS

Supervisor Mileham said that the Village of Corfu would like to change their rental agreement with the town from a two year contract to a one year contract.

A **MOTION** was made by Councilman Worth, seconded by Councilman Arnold to change the Village of Corfu rental agreement from a two year contract to a one year contract.

ALL AYES –MOTION CARRIED

The Board decided that they would like to discuss the reappointment of Deborah Conti to position of the Assessor at the Workshop meeting.

RESOLUTIONS

RESOLUTION # 42 of 2013 – Sewer District #1 Bid Award

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 Pembroke Town Board issued proposals for construction of Sewer District #1; and

WHEREAS seven (7) companies submitted proposals that were opened at 2:00 P.M. on June 14, 2013; and

WHEREAS after review of qualifications Engineer Tom Carpenter at Clark Patterson Lee has suggested awarding the bid to the low bidder, Randsco Pipeline; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board accepts and awards the contract to Randsco Pipeline for a total bid amount of \$2,222,222.00.

RESOLUTION # 43 of 2013 – Authorization for Town Supervisor to sign agreement with Municipal Solutions, Inc.

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 Municipal Solutions, Inc. Financial Advisors have provided a proposal and contract to the Town of Pembroke for the help with the Bonding of Sewer district #1 for the services that they will provide; **NOW, THEREFORE, BE IT**

RESOLVED, that the Town Board hereby authorizes Town Supervisor Edwin F. Mileham Jr. to sign the contract with Municipal Solutions, Inc. for services provided for Sewer District #1.

RESOLUTION # 44 of 2013 – Payment of Abstract # 7 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; Councilman DeWind, 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 approved payments and bills contained in Abstract # 7 of 2013.

RESOLUTION # 45 of 2013 - Authorizing the Supervisor to File a Certificate Designating the Secretary of State as the Agent for Service of Notices of Claim Pursuant to Section 53 of the General Municipal Law

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, NAY; Supervisor Mileham, AYE.

FOUR AYES – ONE NAY – MOTION CARRIED

WHEREAS, The State Legislature has enacted and Governor Cuomo has signed Chapter 24 of the Laws of 2013, which, *inter alia*, adds a new Section 53 to the General Municipal Law, effective June 15, 2013, and

WHEREAS, Chapter 24 of the Laws of 2013 permits claimants to serve notices of claim upon the Secretary of State rather than effecting personal service of such notices upon the municipality which is the subject of the claim, and

WHEREAS, The statute directs the Secretary of State to forward copies of notices of claim served in the above-referenced manner to the municipalities involved, and

WHEREAS, Section 53 of the General Municipal Law requires that municipalities, including The Town of Pembroke, within thirty days after the effective date of the law, file a certificate in the office of the Secretary of State designating the Secretary of State as the agent for service of notices of claim and providing the name, post office address and electronic mail address of an officer, person or designee, nominee or other agent-in-fact for the transmittal of notices of claim served upon the secretary, now, therefore, be it

RESOLVED, That the Supervisor be, and hereby is, authorized and directed to file not later than July 12, 2013 a certificate with the Secretary of State designating the Secretary of State as the Town of Pembroke’s agent for the service of notices of claim, and Be it further

RESOLVED, That the Town Attorney is hereby designated to receive such notices of claim served in the manner set forth herein, and Be it further

RESOLVED, That the Supervisor in such certificate, and in amendments thereof as from time to time may be necessary, provide the Secretary of State with the name, post office address and electronic mail address of the Town Attorney, and Be it Further

RESOLVED, That the Town Attorney is authorized to accept notices of claims on behalf of the Town and receive any payments due to the Town of Pembroke as a result of this Uniform Notice of Act Claim.

RESOLUTION # 46 of 2013 - Revenue Anticipation Note

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

A Resolution delegating to the Supervisor of The Town of Pembroke, Genesee County, New York, the Power to Authorize the Issuance of and sell not exceeding \$3,270,000 Revenue Anticipation Notes of said Town in anticipation of the receipt of grant funds during the fiscal year of said Town commencing January 1, 2013.

BE IT RESOLVED, by the Town Board of the Town of Pembroke, Genesee County, New York, as follows:

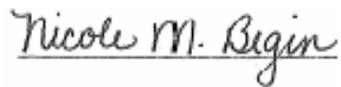
Section 1. The power to authorize the issuance of and to sell not exceeding \$3,270,000 revenue anticipation notes of the Town of Pembroke, Genesee County, New York, including renewals thereof, in anticipation of the receipt of grant funds during the fiscal year of said Town commencing January 1, 2013 in connection with the establishment of Sewer District #1, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and

contents, and shall be sold in such manner as may be determined by said Supervisor, pursuant to the provision of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind to adjourn the meeting at 9:45 P.M.
ALL AYES – CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF JULY 10, 2013 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD. APPROVAL OF MINUTES BY THE TOWN BOARD IS DONE AT THE NEXT REGULAR TOWN BOARD MEETING.