

MINUTES of the Pembroke Town Board **Workshop Meeting** held on **July 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
Edward G. Arnold, Jr., Councilman
John J. Worth, Councilman

OTHERS PRESENT: Nicole Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Tom Schneider, Planning Board Chairman; Laura Landers, Freed Maxick and Battaglia; Mark Masse, GCEDC; Jeremy DeLyser, Clark Patterson Lee; Taylor McCabe, McCabe Enterprises; Joe Joyce and Red Robinson, American Legion Post #626.

The Workshop was called to order at 7:34 A.M.

OLD BUSINESS

MOVING WALL (June 11-15, 2014) – Joe Joyce said that the footer has been put in place at the Town Park for the placement of the memorial stone next year. The American Legion will approach the Pembroke and Oakfield schools in the fall to get the contest started for students to write a poem that would be chosen to be etched on one side of the stone. The poem would need to be approximately 150 words and be written about the “Cost of Freedom”. Assemblyman Stephen Hawley will give the dedication on the last day of the event when the stone is put in place.

The Boy Scouts have asked if they could use John Deere Utility gator’s for use in the park when they are cleaning up trash. Councilman DeWind said that would be fine as long as they don’t tear up the lawn and leave tracks.

The Lyndonville Tigers have offered to help with set-up and tear down for the memorial wall event. There are extra mats still available that are to go under the benches and bleachers at the park. The American Legion asked to use them for the walkway along the memorial wall and offered to put them in place under the bleachers and benches when the event is over.

The PYA, Kiwanis and the Oakfield-Elba Youth Football will be providing food sales. They are expecting those groups to donate something back to an organization within the community like a fire department, Crossroads House etc...

Red Robinson said that there will be parking attendants to help with parking vehicles and they are going to request to use the school parking lots as well. Mr. Robinson said they are working on the lighting issue because the wall has to be lit 24 hours a day.

The American Legion is working on a staging area for the procession to the park. They are expecting 1400-1500 motorcycles in the escort to the park. The American Legion group met with law enforcement about traffic control. There will be a grief counseling place set up to provide counseling to people who need it. They are contacting local churches to find pastors & priests willing to help. Fly-overs from the Niagara Falls Air Force Base have been scheduled.

There will be opening and closing ceremonies performed daily. Mr. Joyce said the press release will be coming in the next few months and if the board would like to be a part of it please let them know. Their next meeting is scheduled for August 21st at 6:30 pm.

2012 DRAFT AUDIT – Laura Landers reviewed the 2012 Draft Audit with the Town Board. The audit was done by the firm Drescher & Malecki. Ms. Landers will have the finalized audit to the Board in August. Ms. Landers said that the Board should discuss any capital improvement projects that they want to do in the future and that now is the time to do them with interest rates being low. In fact the rates are the lowest that they've been in forty years. The Town could take a loan to do the project now instead of paying more in the future. Ms. Landers explained that municipalities are not allowed to borrow money from themselves with one exception, they can borrow from their own established reserve funds and charge themselves interest. The only stipulation is that the reserve fund must be paid back.

GCEDC UPDATE – Mark Masse asked that the town write a letter to County Planning asking that the entire Buffalo East Tech Park North be added to the Smart Growth Plan. Mr. Masse said that the EDC has three companies that may be interested in a location in the Tech Park. The GCEDC plans to come to the Pembroke Workshop meeting in August to give an update.

Councilman Sformo asked if the GCEDC would be willing to contribute another \$125,000.00 to the Town to be used towards the sewer project. Mr. Masse said he would convey the request to his board but thought that it was highly unlikely that they would since the EDC is already contributing toward the project.

SEWER PROJECT – Jeremy DeLyser said that Randsco will be dropping off drawings this week for the sewer project. Mr. DeLyser and Councilman Sformo will speak with Mrs. Davis regarding her easement today and also check out the new location of the pump station. Mark Boylan is working on the contract for the purchase of the Winzenried property at the Corner of Route 77 and Cohocton Road. They will get the contract to the owner when the resolution is approved and as soon as the 30 day permissive referendum has passed. Mr. Sformo said the property does not have to be re-surveyed because the land was just purchased at auction by Mr. Mrs. Winzenried and no changes have been made to the property. The plugged ditch in front of Mrs. Murczek's house was corrected and she signed her easement. Mr. Sformo thanked the Village for their help in the matter.

AGREEMENT W/SCHOOL REGARDING TOWN PARK – Being worked on by committee.

UPDATE PARK ELECTRICAL – Taylor McCabe will be in the park to finish up this week. Mr. McCabe furnished prices to the Board for the cost of adding another transform now as talked about at the last Town Board meeting. National Grid extended the same price originally offered on the first two transformers. The Board discussed the benefits of adding the transformer now or waiting until the future. The Board feels that the park is growing leaps and bounds and no one ever expected it to be where it is already. If the board waits to add the transformer until the future it will cost a lot more money. The Board decided they would rather add it now than later.

A **MOTION** was made by Councilman DeWind, seconded by Councilman Arnold to install a third National Grid Transformer at the same original cost per foot located at the north end of the football field for a cost not to exceed \$18,000.00 as a change order from the original scope of the electrical project at the Town Park.

ALL AYES – MOTION CARRIED

Taylor McCabe also remarked on a few things that the PYA has mentioned they would like to see done with the green shed eg. serving window, possible gray water sink. The board agreed that they do not want anything done with the shed and want it to stay as is. Mr. McCabe said that there may be some shelves donated to put in the shed.

Mr. McCabe said that he also may have some lighting options for the American Legion Moving Wall.

COMMUNITY CENTER ROOF – Mr. DeLyser said that the roof documents will be available to the Town next week. There is a pre-bid meeting scheduled for August 14th at the Community Center and the bid opening is set for August 20th at 2:00 P.M.

NEW BUSINESS

ZONING ISSUE – Zoning Officer Charles Reid said he has received call regarding 866 Gabbey Road. The residence has been abandoned by the owner and Mr. Reid believes is may be going into foreclosure. Unfortunately until that time there is no one living in the home. Neighbors have been complaining that they are seeing rats and that the grass is very long. Mr. Reid and Supervisor Mileham went to the residence and noted through an open window that the places smells like cat urine and in the yard there is a used cat litter berm 70 feet long and 7-8 feet wide. Mr. Reid said he is suggesting that the Town declares it as a public nuisance. The town would then be able to hire someone to clean up the yard and mow the grass and then bill the owner. If the owner does not pay the bill it can then be levied onto their town-county tax bill. The Town Board agreed to declare the property a public nuisance. Superintendent Stocking said he would call to get a price on cleanup. Charlie will send a certified letter to the homeowner declaring it a public nuisance.

BICYCLE TRAIL – The Town is working with the Town of Batavia and LeRoy to get a bike trail grant to run a trail the length of the county. Councilman Arnold is making contacts for the meetings.

OVERPAYMENT OF EMPLOYEE – Town Clerk Nicole Begin informed the board that one employee, Richard Carine has been overpaid by \$1.00 per hour since the Town changed over to the new payroll program CPP in January. Through research Town Clerk Begin discovered that the file sent to CPP listing all the information needed to set up each individual in the system showed that Mr. Carine was being paid \$11.61 per hour. The Organizational minutes for 2013 show his salary being \$10.61 per hour. Since the switch to the new program Mr. Carine worked 31 hours and was over paid by \$31.00. Town Clerk Begin immediately fixed the salary amount in the CPP program to reflect the correct amount Mr. Carine is to earn.

The board discussed and agreed that this was an internal mistake and does not wish to pursue collecting the \$31.00 from Mr. Carine because it was not his mistake. Mrs. Begin did not find any other incorrect information in the file.

BAS SOFTWARE – The Town Board discussed the BAS Town Clerk Software. Councilman Worth suggested waiting until 2014 and budgeting for the Clerk Program and all the other programs BAS has to offer. Town Clerk Begin said she had no problem waiting until 2014 but that the town would have to pay the bill due now for the Williamson program that would keep us in a contract until July 2014 and she was not sure that the proposal price from BAS would stay the same. Councilman Sformo said it didn’t make sense to wait. The Board asked Town Clerk Begin to get a price for the other software and get the proposal price locked in for 12 months so that we can budget for the rest for 2014.

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind to enter into Executive Session to discuss a personnel matter.
ALL AYES - MOTION CARRIED TIME 11:45 A.M.

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind to reconvene into regular session.
ALL AYES – MOTION CARRIED TIME: 12:35 P.M.

Supervisor Mileham reported that no decisions were made in Executive Session.

ROUND TABLE DISCUSSION

Planning Board Chairman Schneider –

Planning Board Chairman Ton Schneider gave the board a copy of the proposed changes to the zoning law that were made by the new Zoning Committee. Mr. Schneider will present them to the Planning Board for review. The Planning Board will then make a recommendation to the Town Board for approval by Local Law.

Tambe electric is being seen by the Planning Board in July. At this time Mr. Schneider does not know the determination of County Planning.

Superintendent Stocking – Mr. Stocking said that the highway crew is paving Phelps Road on Monday and hopefully Tuesday they will be paving Snipery Road. They will also stripe the entrance to the park in the next few weeks.

Councilman DeWind – Mr. DeWind said that two new picnic tables were ordered and delivered to the Town Park Pavilion on the hill. The Highway department will begin working on installing the speed bumps in the park driveway. Mr. DeWind asked the Highway Superintendent to put more fill in the back parking lot.

Councilman Arnold – Mr. Arnold said that the poles are being unloaded today at the Town Park for the electrical project.

RESOLUTIONS -

RESOLUTION # 47 of 2013 - Approval of acquisition of easements by the Monroe County Water Authority pursuant to §1096(6-A) of New York’s Public Authorities Law

On **MOTION** of Councilman Arnold, 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, The Monroe County Water Authority (the “Water Authority”) intends to acquire a frontage easement 15 feet in width across the frontage of the parcel with Tax Account No. 22.-1-110 (9120 South Lake Road, Pembroke) for future water main maintenance, replacement and/or installation; and

WHEREAS, Section 1096(6-a) of New York’s Public Authorities Law requires the Water Authority to obtain the prior approval of the above-referenced acquisitions by resolution of the Town Board of the Town of Pembroke, New York; **NOW, THEREFORE, BE IT**

RESOLVED, that the Town of Pembroke hereby approves the Water Authority’s acquisition of one (1) easement 15 feet in width to be located at 9120 South Lake Road, Tax Map No. 22.-1-110 in accordance with §1096(6-a) of the New York Public Authorities Law.

RESOLUTION # 48 of 2013 – Purchase of Property – Winzenried-1120 Cohocton Road

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 would like to acquire of a parcel of land on the corner of Route 77 and Cohocton Road; and

WHEREAS, the purchase of the property will allow for the location of the pump station required for Sewer District #1 since the original location of the pump station was not agreed to by the land owner; and

WHEREAS, the Town of Pembroke has sufficient Reserve and Surplus funds to finance the purchase of the above parcel; **NOW, THEREFORE, BE IT**

RESOLVED BY THE TOWN BOARD OF THE TOWN OF PEMBROKE AS FOLLOWS:

1. The Town Board determines that it would be in the best interest of the Town of Pembroke to acquire the parcel of land owned by Ryan and Danielle Winzenried of 3140 Crittenden Road, Alden, New York 14004.
2. The parcel of land to be purchased is located at 1120 Cohocton Road, Town of Pembroke, County of Genesee, State of New York, being tax map number 19.-1-44.2 for the location of a sewer pump station and various Town purposes to be determined in the future.
3. The Town Board does hereby authorize the purchase of ten (10) acres at a total cost not to exceed \$7,500.00 without further authorization by the Town Board.
4. That the Town Board does hereby appropriate an amount not to exceed \$7,500.00 from Capital Reserve fund for such purposes.
5. The Town Board does hereby authorize the payment of \$7,500.00 from the Capital Reserve fund.
6. That the Supervisor of the Town of Pembroke is hereby authorized and directed to execute the contract for the purchase of real property and any and all documents necessary to complete the transaction.

This Resolution shall be subject to a thirty day (30) day permissive referendum, as required by Town Law.

RESOLUTION # 49 of 2013 – BAS Town Clerk Software

On **MOTION** of Councilman Sformo, 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 – ONE NAY - MOTION CARRIED

RESOLVED that the Pembroke Town Board authorizes the purchase of Business Automation Systems (BAS) Town Clerk Licensing Software for an initial investment of \$4,260.00 and annual software support/maintenance fee of \$600.00 per year with a one year commitment to overall price package for future software purchases.

On **MOTION** of Councilman Sformo, seconded by Councilman Arnold to adjourn the meeting at 12:49 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 WORKSHOP MEETING OF JULY 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.