

MINUTES of the **Regular Meeting/Public Hearing** of the Pembroke Town Board held on **October 9, 2013** at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Tom Schneider, Planning Board Chairman; Shellye Dale-Hall, Zoning & Codes Administrator; Nathan Witkowski, ZBA Chairman; Richard Kutter, Planning Board; Richard Doktor, ZBA; Ken Lauer, Village Trustee & Pembroke School Board; Pam Ware, Winterfest.

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

Nicole Begin gave the invocation and Supervisor Mileham led the Pledge to the Flag.

PUBLIC PARTICIPATION

Pam Ware gave the Supervisor a draft of the progress happening on the Winterfest. She also provided him with copies of the vendor solicitation form and vendor booth form. She said that the plan is to hold a dance in the tent on Friday night for ages 13-17 year olds. On Saturday some of the vendors will be splitting table time, one group in the morning and another in the afternoon.

Richard Doktor thanked the Board for the use of the Pembroke Community Center for his son Kevin's funeral breakfast. Mr. Doktor asked if the Board could move on getting the items that are on the VFW board onto the wall as was discussed in 2012. Mr. DeWind said he would like the Town to do that as soon as possible.

On **MOTION** of Councilman DeWind, seconded by Councilman Sformo, to approve the Minutes of the Regular Meeting September 11th, 2013, and the Workshop Meeting September 26th, 2013.

ALL AYES - MOTION CARRIED.

The **Public Hearing** for Local Law #2 of 2013, a Local Law to amend local law #1 of 1991, was called to order at 7:09 P.M. Nicole Begin reported she had the Notice of Public Hearing printed in the Daily News as well as the Affidavit of Posting posted on the Town's bulletin board.

**PUBLIC HEARING
LOCAL LAW #2 OF THE YEAR 2013
LOCAL LAW TO AMEND LOCAL LAW # 1 OF 1991
ZONING LAW TEXT AND MAP CHANGES**

Planning Board Chairman Schneider went over the

On **MOTION** of Councilman Worth, seconded by Councilman DeWind, to close the Public Hearing at 7:25 P.M.

ALL AYES - MOTION CARRIED.

Everyone being heard that wished to be heard the public hearing was declared closed.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

- No Report at this time.

ZONING & CODES ENFORCEMENT – Shellye Dale-Hall

- Monthly report submitted and filed.
- Mrs. Dale-Hall gave the board a copy of the new zoning form that she asked to use. The only change on the form was to the land separation and variance section. Mrs. Dale-Hall explained that the changes will help her department with tracking. The board looked it over and approved its use. Councilman Sformo asked if a revision date could be put on the form.
- Mrs. Dale-Hall said that there is training for Planning and Zoning on Friday November 15th and she asked if her clerk Diane Denton could attend.
- Mrs. Dale-Hall asked if the board was willing to waive the zoning fees to the GCEDC for the BETP that they have requested. The Board unanimously said no.

HIGHWAY – Stephen Stocking

- Mr. Stocking reported that the side roads are mowed and next week they will be putting two plow trucks together to get ready for the winter season.
- Mr. Stocking said he is giving a court deposition on Thursday October 10th for Sage vs. town of Pembroke regarding the accident that took place on Indian Falls Road in 2012.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed.
- Mrs. Begin reported that she is working on the information needed by Municipal Solutions for the Sewer Dist. No. 1 loan.
- BAS is training the clerk’s office on the new Town Clerk program on Thursday October 10th.
- DECALS Sporting license sales are down by a couple of hundred dollars from last year.

PLANNING BOARD – Thomas Schneider

- Mr. Schneider said the Planning Board approved the Industrial Park variance’s for Yancey’s Fancy. Yancey’s Fancy has everything they need from the Town to get moving on their project.

- Mr. Schneider said that the Planning Board is going over the issues with the RC Pulsars with a fine tooth comb. The Planning Board is hoping to have a decision at the October 30th meeting.
- The Planning Board tabled the public hearing on the Visone property until the owner, Lou Visone can be present.

ZONING BOARD OF APPEALS – Nathan Witkowski

- Mr. Witkowski stated said that the ZBA approved a variance with restrictions for road frontage on the dead end portion of Lovers Lane Road.
- Also, at the last ZBA meeting the ZBA granted a variance for a shed and approved six variances for the BETP site for Yancey's Fancy. Mr. Witkowski explained each variance given for Yancey's Fancy.
- The ZBA meeting on October 16th they will hear a variance request for fencing for animal and distant to lot lines.

JUSTICES – Robert Alexander & David O'Connor

- The September monthly reports have not been submitted yet.

SUPERVISOR – Edwin F. Mileham, Jr.

- Mr. Mileham reported that the Supervisor reports are being worked on by the bookkeeper from Freed Maxick.

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 Brier Hill is starting the small roof over the Corfu Fire Department door in the next few days.
- Mr. DeWind said that the new roof on the entire Corfu facility is being worked on now.
- Councilman Sformo said that the Clerks offices in the Corfu building are being painted and also that the floor is buckling in front of the clerk's office and needs to be repaired as it is a hazard.
- Councilman Arnold said the stove burner has been repaired by the manufacturer.

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

- Councilman Sformo said that the Zoning committee will continue to work on changes to the Zoning Law.
- Mr. Sformo thanked all the members of the Zoning Committee for all of their personal time spent on the zoning changes that were presented to the Planning Board.

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

- Councilman Sformo said that the Sewer project is being worked on. Two changes orders to the project were needed; one of them is the pump station on Cohocton Road. They are putting in the pressure lines and gravity lines concurrently. Randsco Pipeline, the company working on the sewer project, cleans up at the end of every day. Mr. DeWind agreed that they are doing a fine job.
- Mr. Sformo said that the Engineer from CPL is on site every day and takes photographs of the progress. Mr. Sformo would like to take these photos and create a one page newsletter to send out to the residents in the sewer district.
- Mr. Sformo said that the attorney and engineers are working on information and figures needed for the out of district residents and how they will be able to pay. They would like to hold an informational meeting for those residents outside of the district.

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

- Councilman DeWind said that the Highway Superintendent will have the department grade out the park driveway.
- Mr. DeWind contacted Excel Fence to begin work on the fence at the North Pembroke Cemetery and the contractor will begin working on the driveways at the cemetery. The cemetery grant that the Town received will pay for both of these things.
- Supervisor Mileham said that we purchased two unused lots at the North Pembroke Cemetery for \$100.00 each.

Human Resources/Benefits – Ed Mileham Jr.

- Supervisor Mileham said that the current healthcare policies in place for town employees are good until April 1st, 2014 but will no longer be available after that date. Mr. Mileham said that the Board will have to sit down with Tompkins insurance to talk about policies that will be available after April 1st, 2014.

IT, Grants- John Worth

- Councilman Worth said that a grant is being offered for soccer fields and he would like to move on it.

OLD BUSINESS

EASEMENT SEWER DIST. 1 – Mr. Sformo is working on getting the last easement signed on Alleghany Road.

GCEDC AGREEMENT – The board gave Supervisor Mileham approval to sign the agreement to get GCEDC funding toward the sewer project. Councilman Worth had some concerns about how the money is received and allocated in Town books.

NEW BUSINESS

BUDGET – There is a meeting scheduled on October 15th and October 22nd to work on the budget.

RESOLUTIONS

RESOLUTION # 56 of 2013 – Contract with Pembroke Central School District Town Park Maintenance.

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, NAY; Councilman DeWind, AYE; Supervisor Mileham, AYE.

FOUR AYES – ONE NAY – MOTION CARRIED

RESOLVED the Town of Pembroke Town Board authorizes the Town of Pembroke Supervisor to enter into a one year contract with the Pembroke Central School District for Town Park Maintenance Services; **BE IT FURTHER**

RESOLVED that the contract is for one (1) year commencing October 1, 2013 and ending on September 30, 2014.

RESOLUTION # 57 of 2013 – Contract with Pembroke Central School District for Snow Removal

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; Councilman DeWind, AYE; Supervisor Mileham, AYE.

ALL AYES – MOTION CARRIED

RESOLVED the Town of Pembroke Town Board authorizes the Town of Pembroke Highway Superintendent to enter into a one year contract with the Pembroke Central School District for Salt and Snow Plow Services; and **BE IT FURTHER**

RESOLVED that the contract is for one (1) year commencing October 1, 2013 and ending on September 30, 2014; and **BE IT FURTHER**

RESOLVED that the cost to the Pembroke Central School District for Salt and Snow Plow Services will remain at \$19,500.00.

RESOLUTION # 58 of 2013 – Zoning Board of Appeals Appointment

On **MOTION** of Councilman Worth, seconded by Councilman Sformo, 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 term of Nathan Witkowski, a member of the Town of Pembroke Zoning Board of Appeals, will expire December 31, 2013 and

WHEREAS Mr. Witkowski has submitted a request to be re-appointed to the position; **NOW, THEREFORE, BE IT**

RESOLVED That the Town Board of the Town of Pembroke hereby re-appoints Nathan Witkowski to the Town of Pembroke Zoning Board of Appeals for a five (5) year term expiring in December 31, 2018.

RESOLUTION # 59 of 2013 – Appropriation of Unanticipated Sales Tax to Reduce County Tax

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 Pembroke Town Board wishes to help defray the cost of the 2014 County Tax burden to the residents of the Town of Pembroke; and

WHEREAS the Pembroke Town Board has determined there is unanticipated Sales Tax received in 2013 in excess of the amount Budgeted in the 2013 Budget; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board appropriates \$227,082.89 of said unanticipated Sales Tax Budgeted in the 2013 Town of Pembroke Budget to be used to reduce the 2014 County Tax burden to all town property owners outside the Village of Corfu.

RESOLUTION # 60 of 2013 – Approval of Payment No. 1 – Sewer District # 1

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

BE IT RESOLVED that the Pembroke Town Board approves Sewer District No. 1 - Contractor's Application for Payment No. 1 for in the amount of \$198,027.50; and **BE IT FURTHER**

RESOLVED that the Town Board authorizes the Town Supervisor to sign this application for submittal to receive grant reimbursement.

RESOLUTION # 61 of 2013 – CPL Additional Engineering Services for Sewer Dist. No 1

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

WHEREAS Clark Patterson Lee Engineers have been working diligently on Town of Pembroke Sanitary Sewer District No. 1 and have completed additional work outside of the project scope in order to keep the project moving forward; and

WHEREAS the additional services required have contributed to them exceeding their budgeted fee by approximately \$11,600.00; and

WHEREAS Clark Patterson Lee Design Professionals are willing to cooperate and are requesting that the Town pay 75% of those fees in the amount of \$8,700.00; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board agrees to pay an additional \$8,700.00 for unexpected added services in relation to Sewer District No. 1; and **BE IT FURHTER**

RESOLVED that the Pembroke Town Board authorizes the Town Supervisor to sign the proposal in relation to this agreement.

RESOLUTION # 62 of 2013 – Community Center Roof-Asbestos Abatement Work

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

BE IT RESOLVED that the Pembroke Town Board authorizes a Purchase Order for Envoy Environmental Consultants, Inc. to complete asbestos abatement work on the roof at the Pembroke Community Center building; and **BE IT FURTHER**

RESOLVED that the cost is not to exceed \$300.00 per day and not to exceed a total cost of \$10,000.00. This figure was included in the bid that was based off of the bid specs.

RESOLUTION # 63 of 2013 – Payment of Abstract # 10 of 2013

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; Councilman DeWind, AYE; Supervisor Mileham, AYE.

ALL AYES – MOTION CARRIED

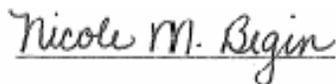
RESOLVED that the Town Board of the Town of Pembroke authorizes the Town Supervisor to make all approved payments and bills contained in Abstract # 10 of 2013.

Supervisor Mileham said a letter addressed to the each Town Board member was received from Justice Alexander regarding his presence at Town buildings. Supervisor Mileham said it will be forwarded to the Town Attorney Mark Boylan for review and advisement.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo to adjourn the meeting at 8:45 P.M.

ALL AYES – MOTION CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF OCTOBER 09, 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.