

**MINUTES** of the Pembroke Town Board **Workshop Meeting** held on **October 24<sup>th</sup>, 2013** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

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

**ABSENT:** Peter G. Sformo, Councilman

**OTHERS PRESENT:** Nicole Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Pam Ware, Winterfest Committee; Donna Elliott; Neal Turvey, Junior Thunderwolves Baseball; Jeremy DeLyser, CPL; Ken Lauer, Village of Corfu Trustee/PCSD School Board; Mark Masse, GCEDC; Tom Schneider, Planning Board Chairman; Mark Boylan, Boylan Law Office; Taylor McCabe, McCabe Enterprises.

The Workshop was called to order at 7:32 A.M.

### **PUBLIC PARTICIPATION**

Pam Ware gave an update on the Winterfest. They currently have fifteen confirmed vendors and a wait list for other vendors. Bottle Junction will be there collecting cans as a fundraiser. The money raised will be donated to the Boy Scout troop that helps with set-up and tear down for the event. Many of the groups that participated in the past will be there again this year. Ms. Ware said that 50% of the things they are doing this year are different from the previous year. The group is now looking into making the Winterfest committee and LLC that could take Winterfest on and look for grant funding to be used towards the beautification of the Village of Corfu.

Donna Elliott discussed with the Town Board the Genesee County Planning Boards decision on the Zoning Changes proposed in Local Law # 2 of 2013. Ms. Elliott said that based on the County's decision and feeling of some residents she doesn't think that the zoning law changes should be passed as written.

Neal Turvey from the Junior Thunderwolves spoke with the board about their support of the PYA baseball program. They said they would like to help the PYA with coach's clinics and field maintenance clinics at the Town Park. They would like to show the PYA coaches the correct way to do maintenance and upkeep to ball fields. They also want to work with Darien Lake to hold more baseball tournaments at the Pembroke Town Park.

### **OLD BUSINESS**

**BUFFALO EAST TECH PARK (BETP)** – Mark Masse from the GCEDC discussed the agreement they are working on for the \$75,000.00 grant funding that the EDC is giving to the Town for the village of Corfu sewer plant upgrade.

The EDC did award the contractor for the sewer project inside of the Buffalo East Tech Park.

Mr. Masse reported that Yancey's Fancy is about one month behind on their expansion project. Mr. Masse asked if the town had a location that they could store stripped off top soil when the project is started. They cannot store it at the Tech Park because of the wetlands and it is topsoil that they will use in the park later. The board said they would store the topsoil in the Town Park when the time comes.

**SEWER PROJECT** – Jeremy DeLyser said that the residents south of Cohocton Road do not have to hook into the sewer district it is their choice since they would be considered an out of district user. The cost for those hook ups would be approximately \$13,000.00. The town would contribute \$8,000.00 toward that cost and the residents would have to contribute approximately \$5000.00. The sewer committee and engineers would like to hold an informational meeting for those residents. The attorney will check on legal information for the letter that will be sent to those residents and then a meeting will be set up with them. The Attorney would like to make sure there is something that can legally be done if a resident defaulted on payments after the sewer line was already installed because once installed they cannot be undone.

**COMMUNITY CENTER ROOF** – Jeremy DeLyser said that the asbestos abatement on the Community Center roof will cost approximately \$8,000.00 less than was anticipated but when working around the air conditioning units they found a little more of an issue than originally thought and that may cost about \$1,000.00 to \$2,000.00 more than originally priced.

**PARK ELECTRICAL** – Taylor McCabe said that National Grid is ready to move on the park project and will be there the week of November 18<sup>th</sup>. The project should be done by the end of that week.

During the week of November 3<sup>rd</sup> the new lighting fixtures should be shipped to the Town Hall and Community Center.

## **NEW BUSINESS**

Lynn Schafer is working with his attorney to take the paper road property that the town abandoned that is attached to his property. The Town did not finish the process of abandoning them due to the cost involved to correct deeds etc... Mr. Schafer's attorney asked if the town could put something in writing giving them the ok to take the paper road property that adjoins his property in Waddington Ave and that of his brother Gene. Supervisor Mileham will work with the Town Attorney to put something in writing giving Mr. Schafer the ok to proceed in taking the paper road property attached to his land.

## **ROUND TABLE DISCUSSION**

**Planning Board Chairman Schneider** – Mr. Schneider reviewed Genesee County Planning Boards recommendations to the zoning changes in Local Law # 2 of 2013. The County felt that the Town was giving too much authority to the Zoning Board of Appeals. The Board discussed different ways that the law could be changed to make the town business friendly. The County recommends listing businesses by size of building not uses which the board was not too happy about doing. The Attorney said that the Town could redo a local law every time a new use is introduced but if a company wants to locate in the Town the process could add two or more months on the timeline. The committee will meet again to discuss the zoning law changes. The Town Board will not adopt the Local Law as written now. If the committee can make changes and propose to the Planning Board in November they could possibly have a recommendation to the Town Board by December to amend the Local Law on the zoning changes.

Mr. Schneider said that at this time the Planning Board is dealing with a lot of perceptions about things going on in the Town and you can't control perceptions on issues of smells, noise, etc... because everyone's perception is different. The Planning Board will meet this month on the issue of the RC Pulsars. The Attorney said that the Pulsars know which planes are bothering the neighbors but are afraid that if they give a little on the Special Use Permit they will continually be asked to give. Mr. Schneider said he would like to open this Special Use permit one time and not have to do it again.

**Councilman Arnold** – Mr. Arnold read an email from the Girl Scouts regarding the park project they introduced to the Town Board over the summer. They would like to plant a tree in memory of Kelsey Milks. The Park committee will find out what type of tree they want to plant and choose a location for it at the park.

Mr. Arnold said the committee for the town's healthcare is waiting for more information about what is going to be available to employees in April with Obamacare.

**Councilman DeWind** – Mr. DeWind said that he is not happy about the Winterfest using the Court facility on the day of the event. He is concerned because that room was extremely costly to the Town residents and does not want any of the wood damaged or the chairs broken or gone missing.

American Paving is going to give a price on blacktop for a basketball court at the park to see if it is something that can be done with the money that has been budgeted for 2014.

Mr. DeWind said the new fence is up at the North Pembroke Cemetery and the driveways will be done soon. These will be covered by the cemetery grant that the town received.

Brier Hill has been contacted to put up the necessary backing needed at the Community Center to move the VFW board to the wall. The cost will be approximately \$600.00. Brier Hill will also repair the buckled floor in the Court/Village offices for a cost of about \$600 to \$800.00.

Brier Hill will put in an attic door in the Mertie Doll house and will begin working on the small roof over the Corfu Fire Hall door.

**Councilman Worth** – Mr. Worth said he is working with J. O’Connell and Associates on a grant from the U.S. Soccer Foundation for our field at the Town Park.

Mr. Worth said he may need to replace one computer at the town hall in 2014.

**Highway Superintendent Stocking** – The State is looking to put up snow fence on Route 77 near Akron Road. The farmers on Route 77 and Gabbey Road are going to leave up 3-4 rows of corn to help block snow along those roads. The State will reimburse for that.

Mr. Stocking said his department can fill the pot holes at the town park. If they pave the driveway the cost would be approximately \$40 to \$50,000.00 and it is not in the 2014 budget. Mr. Stocking said he may be able to oil and stone it in 2014 for a cost of about \$10,000.00. The Board would like to maintain the pot holes for the time being and Mr. DeWind said that if anything they slow people down when driving through the park.

Mr. Stocking said that the highway department is getting the trucks ready to go for snow plowing.

## **RESOLUTIONS**

**RESOLUTION # 64 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 (8110 N. Pembroke Rd.)

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 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. 12.-1-34 (8110 N. Pembroke Road, Pembroke) for future water main maintenance, replacement and/or installation.

**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 Pembroke Town Board hereby approves the Water Authority’s acquisition of one (1) easement 15 feet in width to be located at 8110 N. Pembroke Road, Tax Account No. 12.-1-34 in accordance with §1096(6-a) of the New York Public Authorities Law.

**RESOLUTION # 65 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 (2055 Angling Rd.)

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 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. 24.-1-95 (2055 Angling Road, Pembroke) for future water main maintenance, replacement and/or installation.

**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 Pembroke Town Board hereby approves the Water Authority’s acquisition of one (1) easement 15 feet in width to be located at 2055 Angling Road, Tax Account No. 24.-1-95 in accordance with §1096(6-a) of the New York Public Authorities Law.

**RESOLUTION # 66 of 2013** – 2013 DECALS Licensing Issuing Agent Agreement

On **MOTION** of Councilman DeWind, seconded by Councilman Worth, 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**, the issuance of hunting and fishing licenses/stamps by local governments is a valuable and necessary service to the state; and

**WHEREAS**, Town Clerks must be aware of and carefully follow the mandates pursuant to the agreement and must abide by New York State Regulations 6 NYCRR Part 177 and 6 NYCRR Part 183 of the Environmental Conservation Law in connection with the issuance of sporting licenses; and

**WHEREAS**, Towns face considerable liability for any failure to properly issue and record such licenses, for failure to properly file the required reports, and for failure to comply with all other requirements of the new legislation; and

**WHEREAS**, Towns must provide authorization for the department to access a bank account for scheduled electronic fund transfers to pay for all licenses sold; and

**WHEREAS**, Towns must provide a computer by which to install the new DECALS program and use to sell sporting licenses and ensure all DEC department licensing equipment is returned to the department; and

**WHEREAS**, Towns must provide reasonable and necessary security to protect equipment and supplies from damage and unauthorized use; **NOW, THEREFORE, BE IT**

**RESOLVED**, the Pembroke Town Board authorizes the Town Clerk to sign the licensing issuing agent agreement to continue to sell sporting licenses in the new DECALS program and **BE IT FURTHER**

**RESOLVED** that any agreement revisions, including payment adjustments or time extensions, shall be made by a written amendment to the agreement signed by both parties.

**RESOLUTION # 67 of 2013 – G/FLRCP Attendance/Zoning Officers, ZBA & Planning Board members**

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

**WHEREAS** the Genesee Finger Lakes Regional Planning Council is having a training on Friday November 15, 2013 in Batavia, New York at the Clarion Hotel; and,

**WHEREAS** the Zoning Officer and Zoning Clerk have requested permission to attend; and

**WHEREAS** the cost for this meeting for the Zoning Clerk will be \$75.00 plus mileage; **NOW, THEREFORE, BE IT**

**RESOLVED** that the Zoning Officer and Zoning Clerk are authorized to attend the Genesee Finger Lakes Regional Planning Council training on Friday November 15, 2013 in Batavia, New York at the Clarion Hotel.

**RESOLUTION # 68 of 2013 – 2014 Tax Collector Performance Bond**

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

**RESOLVED** that the Town Board of the Town of Pembroke approves the sum and form of the Performance Bond in the amount of \$500,000 for the tax collection for the year 2014.

**RESOLUTION # 69 of 2013 - Appropriation of New York State Division of Cemeteries Grant**

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

**WHEREAS** The Town of Pembroke has received a New York State Division of Cemeteries Grant in the amount of \$22,947.00 to be used for fence and driveway repair at the North Pembroke Cemetery; and

**WHEREAS** the Pembroke Town Board considers advisable to track these expenses to correlate them to the grant; **NOW, THEREFORE, BE IT**

**RESOLVED** that the Pembroke Town Board appropriates these funds in the Cemeteries - State Grant line item using the Budget Journal entries as follows:

A8810.46	Cemeteries - State Grant	\$22,947.00
A3090	Cemetery – State Aid	\$22,947.00

**RESOLUTION # 70 of 2013 – National Grid light pole at entrance to Town Park**

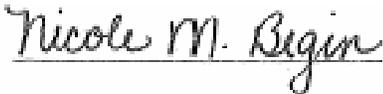
On **MOTION** of Councilman DeWind, seconded by Councilman Arnold, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Worth, AYE; Councilman DeWind, AYE; Supervisor Mileham, AYE.  
ALL AYES - MOTION CARRIED

**RESOLVED** that National Grid is hereby authorized and directed by the Pembroke Town Board to do the following work in the Town of Pembroke, CSS Reference No. 22538-80109

Install: One-150 whps on new pole to be set on the south side of driveway entering Town Park off Route 77

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind to adjourn the meeting at 10:52 A.M. ALL AYES – MOTION CARRIED

Respectfully Submitted,



Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP MEETING OF OCTOBER 24, 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.