

MINUTES of the Regular Meeting of the Pembroke Town Board held on November 13, 2013 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Tom Schneider, ZBA Chairman; Shellye Dale-Hall, Zoning & Codes; Richard Doktor, ZBA Member; Mr. & Mrs. William Privett; Kathleen Diether; Ken Lauer.

The meeting was called to order at 7:09 P.M.

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

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo to enter into Executive Session to discuss a personnel matter.

ALL AYES - MOTION CARRIED TIME 7:10 P.M.

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind to reconvene into regular session.

ALL AYES – MOTION CARRIED TIME: 7:25 P.M.

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

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The **Public Hearing** for Local Law # 3 of 2013, A Local Law to override the tax levy limit established in General Municipal Law §3-c, was called to order at 7:26 P.M. Town Clerk Nicole Begin reported and read the Notice of Public Hearing that was printed in the Daily News as well as posted on the Town’s bulletin board, the Affidavit of Posting, and the Certification of Distribution to Board Members.

**PUBLIC HEARING  
LOCAL LAW # 3 OF 2013**

**“A Local Law to override the tax levy limit established in General Municipal Law §3-c”**

Supervisor Mileham read Local Law # 3 of 2013.

Each year a NYS government municipality whether it be Town, School or Village has the opportunity to pass a local law, before passing their budget that allows them to override the 2% tax cap enacted by the State. The Town of Pembroke budget will increase by 2% because of the borrowing and expenses involved in Sewer District No.1.

The Town was advised to pass the local law until grant funding would be reimbursed for the project to lower the budget back to where it should be. The increase protects the Town when a project is ongoing.

On **MOTION** of Councilman Worth, seconded by Councilman Arnold, to close the Public Hearing at 8:08 P.M.  
ALL AYES - MOTION CARRIED.

Everyone being heard that wished to be heard, Supervisor Mileham declared the public hearing closed.

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RESOLUTIONS (1 of 2 sections, see below)

RESOLUTION # 71 of 2013 – Adoption of Local Law No. 3 of the Year 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

WHEREAS a Public Hearing was scheduled to be held by the Pembroke Town Board at a regular meeting on November 13th 2013 at the Pembroke Town Hall, 1145 Main Road in said Town at 7:00 P.M. pursuant to a Notice of Public Hearing, published in The Daily News on November 2nd 2013, and posted on the sign board at the Pembroke Town Hall,

A Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS a public hearing was held at the regular meeting of the Town Board on November 13th, 2013; and

WHEREAS the auditors of Freed Maxick & Battaglia PC have recommended enactment of such law; and

WHEREAS the members of the Town Board have had said Local Law No. 3 of the Year 2013 in final form for the period required under Section 20 of the New York Municipal Home Rule Law; and

WHEREAS the Town Board of the Town of Pembroke, after due deliberation, finds it in the best interest of the Town to adopt said Law; **NOW, THEREFORE, BE IT**

RESOLVED, that the Town Board of the Town of Pembroke hereby adopts said Local Law as Local Law No.3 of 2013, a true copy of which is attached hereto and made a part of this Resolution, and **BE IT FURTHER**

RESOLVED, that the Town Clerk be, and she hereby is, directed to enter this Resolution and said Local Law in the minutes of this meeting, enter said Local Law No. 3 of 2013 in the Local Law Records Book of the Town of Pembroke, and send a certified copy thereof with due notice of adoption to the New York Secretary of State for filing at the New York Department of State.

This Local Law shall become effective upon its filing with the New York Secretary of State.

BY ORDER OF THE
TOWN BOARD OF THE
TOWN OF PEMBROKE

Local Law No. 3 of the year 2013

Town of Pembroke, County of Genesee

A local law to override the tax levy limit established in General Municipal Law §3-c.

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Pembroke to adopt a budget for the fiscal year commencing January 1, 2014 that may require a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Pembroke, County of Genesee, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2014 that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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The **Public Hearing** for the 2014 Preliminary Budget was called to order at 8:10 P.M. Town Clerk Nicole Begin reported and read the Notice of Public Hearing that was printed in the Daily News as well as posted on the Town’s bulletin board, the Affidavit of Posting.

**PUBLIC HEARING  
2014 TOWN BUDGET**

Supervisor Mileham reported that among other things the Town Board has discussed in executive session amending the proposed 2014 budget by cutting the salary of Justice # 2 by \$3,000.00 based on inexperience and length of time on the job. The board will vote on that budget with that change. The 2014 budget will be filed in the office of the Town Clerk upon adoption.

Kathleen Diether spoke on behalf of the Corfu Free Library and thanked the Town board for their continued support. Ms. Dethier explained the programs and services that the library provides. The vision for the library is to be a type of community center for job search, literacy, to answer questions, and provide digital services. They also are automated and work with the Richmond Library for borrowing. The library currently has 5 main sources of income and the Town of Pembroke is one of the largest contributors. The library board was taken aback by the way their funding request denial was relayed to them and would appreciate a healthy discussion in the future regarding their funding. They believe their budget is low compared to libraries in the area such as Oakfield Library. Ms. Diether asked for collaboration on library funding in the future.

The Corfu library budget increase was not approved and they were kept at the same amount as was given in the 2014 budget. Mr. Worth said that he appreciates how hard the library works and thinks they do a tremendous job on their budget and their request to the Town unfortunately, the Town board worked hours and hours looking ways to cut back and if in clear conscience they could have given the library more they would have. Mr. Worth said the Town is in the same predicament as the library with things that are coming up that are out of the town’s control. Mr. Worth said that he is very appreciative of what the library offers.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, to close the Public Hearing at 8:56 P.M.

ALL AYES - MOTION CARRIED.

Everyone being heard that wished to be heard, Supervisor Mileham declared the public hearing closed.

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On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, to approve the Minutes of the Regular Meeting October 9th, 2013 the Special Budget Meetings on October 8th, 15th, 22nd, and 28th, 2013 and the Workshop Meeting October 24th, 2013.

ALL AYES - MOTION CARRIED.

PUBLIC PARTICIPATION

Mr. William Privett spoke to the Town Board regarding the Yancey's Fancy project at the Buffalo East Tech Park (BETP). Mr. Privett asked what affect the construction at that site would have on the water flow to the protected wetlands that run through his property at 8874 Lovers Lane Road. Mr. Worth said that all the wetlands at the BETP have been carefully mapped out by the engineers according the NYS DEC requirements. Any construction will have to maintain a 100 foot buffer around all of those wetlands. Mr. Schneider provided Mr. Privett with the State Environmental Quality Review (SEQR) for the project site at the Tech Park. Mr. Worth said that if he has any other questions they could put him in contact with the people who were more knowledgeable about the wetlands at the site.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

- Mrs. Conti said that NYS has put out public relations information regarding STAR renewal applications. These will go out to all people under the age of 65 who currently file for basic STAR and have not renewed yet. A postcard will be sent to these people to remind them and then another letter will be sent before the December 31st deadline. If after the December 1st deadline people realize they did not renew and they are eligible for STAR savings, they can apply for a one time refund.

ZONING & CODES ENFORCEMENT – Shellye Dale-Hall

- October report submitted and filed.
- Mrs. Dale-Hall explained that the zoning officers will be attending training this winter. She explained that as in years past she will be asking the Town of Pembroke to split the cost with the Town of Barre and Charles Reid will probably be asking the Town to split the cost with the Town of Darien.

HIGHWAY – Stephen Stocking

- Mr. Stocking said that the highway department is currently working on tree trimming throughout the town.
- As requested by Councilman Sformo, Mr. Stocking will take a look at the parking area for the Corfu Free Library and see if the Town can offer in-kind services for any repair to it.

TOWN CLERK – Nicole M. Begin

- Mrs. Begin reported that the new software BAS is working well. The Clerks are getting more familiar with it. The Town Clerks reports for October were done in the new program.
- Mrs. Begin asked the board for newsletter articles so she could get the newsletter out. The articles are not coming in as hoped and the newsletter is far from being complete.

- Mrs. Begin asked the board about declaring the desk in the board room “disposable equipment”. The old metal desk is missing drawers and the Town offices have no use for it. The desk has been sitting in the board room for almost four years. The Board could come up with list of all old broken equipment that has been stored at the Town Hall for years and do a “disposal of equipment “resolution. The Board will discuss further.

PLANNING BOARD – Thomas Schneider

- Mr. Schneider said that the RC Pulsars were at the October meeting and the Planning Board did not reopen the Special use permit due to what they felt was a lack of evidence. The RC Pulsars are going to self-regulate. They are going to be back in front of the Planning board in January with a new list of hours for fly time in 2014.
- American Paving is moving equipment off if the property line at the property on Main Road. The property owner’s son will be moving old equipment as well.
- Mr. Schneider said that the town board was provided with new text changes that were made to the zoning law. The text changes were made based on the recommendations of the Genesee County Planning department. County Planning will be looking at the changed version on November 14th. If the changes are approved the Town Board can then hold a Public Hearing in December and approve them if they feel so inclined.

ZONING BOARD OF APPEALS – Nathan Witkowski

- No report at this time.

JUSTICES – Robert Alexander & David O’Connor

- The October monthly reports have been submitted & filed. October fines and fees remitted to the Town ~ O’Connor \$62,781.00.

SUPERVISOR – Edwin F. Mileham, Jr.

- Mr. Mileham said that the budget is complete and will be voted on with the change made as stated in the Public Hearing.
- Mr. Mileham said he will not be able to attend the next Town Board regular meeting because he will be in mandatory Justice training.
- National Grid is supposed to be in the Town Park this week to install the transformers.

COMMITTEE REPORTS

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

- Councilman Arnold said that employees are being informed that their health insurance policies will no longer exist after April 1st. The Town is still waiting for information in regards to the health insurance in 2014.

Building & Ground, Highway Assessment, Court – Gary DeWind

- Councilman DeWind said that the contractor is still working on the roof at the Community Center.

- We are waiting for Brier Hill to work on the projects at the Community Center including the small roof over the Corfu Fire department door and the VFW board being moved to the wall.

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

- Councilman Sformo said the Zoning Committee will continue to meet and work on changes to the Zoning law.

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

- Councilman Sformo asked Mr. Mileham about the closing on the Winzenried property. Supervisor Mileham said that the attorney has all the paperwork ready for them to sign and it is currently with the Town Clerk. The payment is included in the abstract. Mr. Sformo will contact the Winzenried's to sign the required paperwork and pick up their check.
- Mr. Sformo said the sewer line is moving right along. There were a couple snags at Cohocton Road due to gas lines mapped incorrectly.
- Mr. Sformo said that the town was informed by the Town Supervisor that we cannot use the grant money to help the people south of Cohocton Road.

Mr. Sformo has been working with the Attorney and engineers and one proposal is to set up a second sewer district south of Cohocton Road and because they are not part of the first sewer district they are not mandated to hook in. Initially those residents were going to have to come up with \$5,000.00 and the Town was going to pay the rest but since we have been informed that it cannot be done, the homeowner will be responsible for the full amount. The proposal is to make the \$15,000.00 the debt service in the second sewer district, meaning they can pay that amount back over a 30 year period with no upfront cost. The only additional charges to the resident would be if they need to make electrical changes for the grinder stations. Mr. Sformo said this is the idea being proposed and they are working out the details to see if it can be done. Mr. Sformo also said that we will need to have permanent easements from those people south of Cohocton Road for people with grinder stations.

- Mr. Sformo said that the painting is almost finished at the clerks offices in the Village.

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

- Councilman DeWind and Councilman Arnold out a stake at the park to let the Girl Scouts know where they can plant their tree.
- The new driveway at the cemetery will be done soon. We are waiting for the contractor. The cemetery grant that we received will pay for this work.
- Councilman Arnold would like to work closer with Laura Landers next year regarding the Joint Youth Budget.

Human Resources/Benefits – Ed Mileham Jr.

- Supervisor Mileham is working with Joanne McInerney from Tompkins on the health insurance for 2014. Mr. Mileham received information from Blue Cross Blue Shield that there will be no change in the agreement for the retirees.

IT, Grants- John Worth

- Councilman Worth is working on software vendor issues.
- Mr. Worth is working with the Town Clerk on a soccer grant for the park.

OLD BUSINESS

SEWER DISTRICT – The Town Board discussed what the town will require to properly give the Village of Corfu \$250,000.00 in funding for the sewer district project that will benefit the Town of Pembroke. Councilman Worth asked that the Village of Corfu provide the Town copies of bills that they have paid out for the enhancements of the sewer plant. These enhancements must be made in order for the Town sewer line to connect. The Village of Corfu bids came in higher than expected and the Village was unable to borrow more than what was originally expected. The Town offered to contribute to the Village project because the project would benefit the Town of Pembroke.

NEW BUSINESS

LETTER FROM JUSTICE ALEXANDER – Supervisor Mileham read the resignation letter received from Justice Alexander.

A **MOTION** was made by Councilman Arnold, seconded by Councilman DeWind to accept the resignation of Justice Robert Alexander.

ALL AYES – MOTION CARRIED

2nd LETTER RECEIVED FROM ROBERT ALEXANDER – Supervisor Mileham said a letter was received today from Robert Alexander requesting that the Town Board rescind their decision banning him from Town properties. The Board discussed the letter.

A **MOTION** was made by Councilman Arnold, seconded by Councilman DeWind to give Robert Alexander permission to come on town property, the same right as given to all other town residents.

FOUR AYES – ONE ABSTAIN - MOTION CARRIED

UPCOMING TOWN MEETINGS – The Town Board discussed whether they want to change the upcoming board meetings due to the dates they fall on near holidays. The Board decided to leave the meetings as they are.

EASEMENTS – To file the easements with the county clerk there is going to be a cost. The original estimated cost was \$3,197.00. Town Clerk Begin is working with County Clerk Don Read to keep the cost down and Mr. Read is working on new numbers based off the number of pagers that will be filed. Once we know the cost of filing Town Clerk Begin will get them filed.

RESOLUTIONS (2 of 2 sections, see below)

RESOLUTION # 72 of 2013 – 2014 Budget Approval

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 2014 Town of Pembroke Preliminary Budget was presented at a Public Hearing on Wednesday, November 13, 2013 and

WHEREAS as a result of the public hearing, there were no changes or amendments to the Preliminary Budget except those approved by the Town Board prior to the Public Hearing, **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board approves the 2014 Budget as presented at the Public Hearing.

RESOLUTION # 73 of 2013 - Payment of Abstract 11 of 2013

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

RESOLVED that the Town Board of the Town of Pembroke authorizes the Town Supervisor to make all payments and bills contained in Abstract 11 of 2013.

RESOLUTION # 74 of 2013 – Authorization for Participation in the 2014 Joint Youth Recreation Program

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

WHEREAS, the Town of Pembroke has previously participated in the Joint Youth Program along with the following communities; the Village of Corfu, the Town of Batavia and the Town of Darien, and

WHEREAS, the Town of Pembroke contribution to the joint youth program for 2014 is \$13,800.00; **NOW, THEREFORE, BE IT**

RESOLVED, that the Pembroke Town Board hereby approves and authorizes the Town's participation in the aforementioned Joint Youth Program in the year 2014.

RESOLUTION # 75 of 2013 – Approval of Payment No. 2 – 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. 2 for in the amount of \$355,038.75; and **BE IT FURTHER**

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

RESOLUTION # 76 of 2013 – Approval of Pembroke Sewer District No.1 Change Order #1

On **MOTION** of Councilman DeWind, 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 a Change Order is being recommended by Engineers at Clark Patterson Lee to add additional depth at SMH-A13 to accommodate a sanitary sewer connection to the GCEDC Buffalo East Technology Park-South Campus; and

WHEREAS this change will increase the contract price by \$9,907.50; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board hereby approves Change Order #1 and authorizes the Town Supervisor to sign Change Order #1 documents.

RESOLUTION # 77 of 2013 – Approval of Pembroke Sewer District No.1 Change Order #2

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 a Change Order is being recommended by Engineers at Clark Patterson Lee for the relocation of Pump Station No.1 to the south side of Cohocton Road on to parcel 19.-1-44.2; and

WHEREAS this change includes additional 12 inch gravity sewer pipe, 24 inch steel casing pipe, sewer manholes, 12 inch storm pipe, select fill, horizontal bore equipment rental plus delivery fees and a contingency for work near State and Federal Wetlands; and

WHEREAS this change will increase the contract price by \$59,328.98; and

WHEREAS the Original Contract is under the estimated quantity for horizontal boring by 44 LF, or \$11,880.00 bringing the net increase to the project to only \$47,448.98; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board hereby approves Change Order #2 and authorizes the Town Supervisor to sign Change Order #2 documents.

RESOLUTION # 78 of 2013 – Justice Training - “Taking the Bench” Certification Course 2013

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

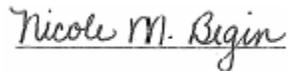
WHEREAS each newly elected or appointed Town or Village Justice in the State of New York, who is not a member of the New York State Bar is required by subsection 17.2 of the Rules of the Chief Judge (22 NYCRR 17.2) to attend the first available Certification Course after his/her appointment or election; **NOW, THEREFORE, BE IT**

RESOLVED, that the Town Board authorizes newly elected Justice Edwin F. Mileham Jr. to attend Training, as required, to be held in Albany, New York, December 8th – 14th, 2013.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo to adjourn the meeting at 9:08 P.M.

ALL AYES – CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP MEETING OF NOVEMBER 13, 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.