

MINUTES of the **Regular Meeting** of the Pembroke Town Board held on **August 14, 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.

The meeting was called to order at 7:02 P.M.

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

PUBLIC PARTICIPATION – None

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind, to approve the Minutes of the Regular Meeting July 10th, 2013, and the Workshop Meeting July 25th, 2013. ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

- Mrs. Conti reported that she met with the Town Board and they discussed ideas to get more public information out to property owners. Mrs. Conti said that the Assessor's office did send mailers twice in the past in 1990 and 1996. Mrs. Conti provided the board with a sample form of what can be sent out which would include a photo of the owners house and areas to put notes about the property. Mrs. Conti provided the board with other information including tax rate charts.
- **Within the next two weeks all home owners will receive postcards urging residents to re-register for the Basic STAR Exemptions.** The owner will have to register for the Basic STAR Exemption either by phone or internet. There will be posters placed at the Town hall informing residents of this but we do expect to receive number of calls about it as well. NYS has not renewed this information in over ten years and they now want to sift all receivers of Basic STAR.

ZONING & CODES ENFORCEMENT – Shellye Dale-Hall

- Monthly report submitted and filed.
- Mrs. Dale-Hall said that the office is winding down on summer permits and they are closing out a lot of old permits where projects are complete.
- There has been an issue with a house on Hopkins Road. A driveway permit was issued by Mr. Stocking of 8067 Hopkins Road and a building permit was issued by the Zoning department listing address 8806. Mrs. Dale-Hall looked through the file and noted that

the septic permit issued by the County Health Department stated 8806 as the address and that is how her office came up with that number. The owner was notified by the Town Clerk that she must use 8067 as her legal address and now the homeowner has complained that she incurred costs due to changing her address to the correct number of 8067 and would like the town to cover those expenses. Supervisor Mileham will contact the attorney and health department on this issue.

- Councilman Arnold asked about the issue at property on Main Road. Mrs. Dale-Hall said that a citation was issued for the owner of the property to appear in court because the owner/renter of the property needs to obtain a special use permit to run his business at that location.

HIGHWAY – Stephen Stocking

- Mr. Stocking said that the park entrance has been stripped and arrowed.
- Cold Springs cleared the ditch on Alleghany Road and the resident then felt confident and signed her easement for the sewer project.
- All the culvert pipes have been replaced on Scribner Road and it will be paved in 2014.
- The other half of Phelps Road has been paved and striped. The shoulders will be worked on next week.
- Snipery Road was paved as well because of the extra money in the CHIP fund and they will work on the shoulders there as well.
- Salt has been delivered and will be placed in the salt barn during the last week of August.
- Zoladz will be chipping the brush pile in the dump in the next few weeks for free.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed.
- The BAS program will be installed as soon as the forms are returned to them and they have all the computer information necessary for install. There is a voucher for a 50% down payment on the program. BAS will hold another demonstration on their zoning software for Mrs. Dale-Hall and is also in the process of getting us proposals on the other software that they offer.
- Town Clerk Begin reported that she received a letter from Justice Alexander and was asked to read it aloud and enter it into the minutes of tonight's meeting. The Town Board also received a copy of this letter and it was forwarded to the Town Attorney Mark Boylan. The letter reads as follows:

August 13, 2013

To: The Town of Pembroke Board

From Justice Robert E. Alexander

Subject: Illegal with holding of my Justice Salary as Town of Pembroke Court and mental anguish.

Dear members of the Town of Pembroke Board,

After conferring with Judge Prudenti and Judge Coccoma of the Office of Court Administration, I am hereby giving notice that it is illegal for the Town of Pembroke to with hold the salary of a non-suspended or removed Justice.

Additionally as the Office of Court Administration spokesman Mr. Bookstavers has notified the Town Supervisor and Board that neither Judge Prudenti nor any other Judge including the Chief Judge of the State of NY can suspend a Justice. He further stated that the only entity that can suspend or remove a Justice is the Court of Appeals. Judge Prudenti's order merely assigned my cases to the other sitting Justice until she reassigned me cases. Because I was not suspended or removed from office, the Town of Pembroke does not have the lawful right to withhold my salary. A non-suspended or removed Justice is entitled to their salary until the expiration of their term in office.

If you wish avoid legal action, I will wait until 20 August 2013, for all back salary to be deposited in my bank account. Failure to have my past due salary deposited into my bank account by the 20 August, 2013 date will result in the board leaving me no choice but to file legal action. These actions will include damages for mental anguish, unwarranted fiscal burdens and hardships caused by the malicious misfeasance and illegal action of the board by withholding my salary.

I would hope that the Board would comply with the legal mandate to pay the salary of a non-suspended or removed Justice and prevent a lawsuit that will cost the tax payers an undue burden in legal fees, court costs and possible significant damages.

Respectfully,
Robert E Alexander
Town of Pembroke Justice
1660 Indian Falls Rd.
Corfu, NY. 14036
585-703-1255

PLANNING BOARD – Thomas Schneider

- Mr. Schneider reported that the County Planning Department denied Tambe Electric to locate a contractor's yard on Route 33 in the Town of Pembroke. The Planning Board discussed the new changes that are being proposed to the zoning law and agree that the location is in line with the proposed changes allowing contractors yards on arterial highways.
- County Planning did approve a used car dealer to locate on Alleghany Road at the old Yellow Goose market. There will be small office building but no repairs will be done on sight. Future plans are to have a repair shop there.
- There are a couple land separations that will be resolved at the August meeting.
- The committee has submitted the zoning law changes to the Planning Board and they will present to the Town Board in October for change by Local Law.
- The next Zoning Committee meeting is on August 20, 2013.
- Councilmen DeWind, Worth and Arnold have both checked out the RC Pulsars location at Knapp Road on several occasions and none have seen a plane in the sky. Chairman Schneider is working with the zoning department and town attorney to get a date set to properly get the issue resolved.

ZONING BOARD OF APPEALS – Nathan Witkowski

- There was no ZBA meeting held in July therefore there is nothing to report.

JUSTICES – Robert Alexander & David O’Connor

- The July monthly reports have been submitted & filed. July fines and fees remitted to the Town ~ Alexander \$11,240.00 & O’Connor \$49,445.00.

SUPERVISOR – Edwin F. Mileham, Jr.

- Mr. Mileham reported that the town received a bill from Drescher & Malecki for their work on the 2012 Audit. The audit is now complete.
- The town also received a bill from grant writers J. O’Connell and Associates for a period of two years beginning September 1, 2013 to August 31, 2015.

COMMITTEE REPORTS

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

- Councilman Arnold reported that the 2012 Audit showed no violations.

Building & Ground, Highway Assessment, Court – Gary DeWind

- Councilman DeWind reported that he obtained a second bid from Mooney Const. for the construction of a roof over the door at the Community Center that was damaged when it was hit by a town plow truck. The second bid was considerably higher than the bid received from Brier Hill.

A **MOTION** was made by Councilman Sformo, seconded by Councilman DeWind to accept the first bid from Brier Hill Construction to construct a roof over the new Corfu Fire Department door on the east side of the Corfu building that is owned by the Town of Pembroke.

ALL AYES –MOTION CARRIED

Councilman Sformo asked if the board would want to put a roof over each of the doors on the west side of the building to protect people from ice. Mr. DeWind said he would like to wait to see if the ice is still a problem after the new roof over the main part of the building is complete. Supervisor Mileham said that five companies came to the Community Center building on August 14th for the roof pre-bid construction meeting. The bid opening is set for August 20th at 2:00 pm.

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

- Councilman Sformo said that the zoning committee is working well together and there are a lot of good changes that will be presented to the Board for passing of the local law.

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

- Councilman Sformo said that there was a joint meeting on Tuesday August 13th with the Village and all that are involved in the Sewer project. The meeting was to get everyone on the same page regarding the funding, billing and reimbursement of funds for this project.

- The town will pay the contractor and the bill and cancelled check will be sent to J. O'Connell who will submit to the state for reimbursement from the grant. All bills will be submitted to NYS at quarterly periods of September 30, December 31, March 31 and June 30.
- The town will try to get the approved funding to the Village of Corfu as soon as possible so they can get their up-front bills paid. Corfu will need to submit necessary information to the GCEDC to receive the \$75,000.00 that the EDC has agreed to provide to them for the sewer project.
- Randsco pipeline will start construction on the sewer on September 3rd, 2013.
- The next monthly sewer update meeting is scheduled for September 24th at 10:00am.
- Mr. Sformo said earlier in the planning stages of the project the Town Board agreed to reimburse the property owners North of Cohocton Rd up to \$3,000 and up to to \$5,000 for residence South of Cohocton Rd for the installation of a grinder pump station at each property. The DEC now says that the Town cannot do that. The grant writers said if Ransco Pipeline actually digs the lateral line from the road to the houses then it would be considered a construction cost covered by 85%. There would be no upfront cost to those residents. If those residents want to dig their own line we cannot reimburse them at this time. The Attorney will need to draw up legal paperwork to take to those residents who expressed interest in the grinder stations. The residents will need to sign the agreement and they will probably have to come up with a \$1,000.00 deposit and an agreement on how they will pay the balance of \$4,000.00 will be provided. The town would then cover the cost of the \$10,000.00 difference.
- The Town Board also needs to approve the sewer use laws.

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

- Councilman DeWind has not spoken with McCabe Enterprises regarding the park electrical work but Mr. Stocking thinks they are waiting on National Grid to work on their part.
- Mr. DeWind said he will work on the cemetery budget for 2014. Mrs. Begin went to the North Pembroke Cemetery today and took plenty of pictures and filled out necessary forms for the grant application for that cemetery.

Human Resources/Benefits – Ed Mileham Jr.

- Supervisor Mileham said that he has been in contact with Joanne McInerney from Tompkins Insurance regarding upcoming Obamacare changes that are coming into effect in 2014. It may be cheaper for the employees to find their own insurance on the exchange.

IT, Grants- John Worth

- There are two grants pending, one through LGMRIF for digitizing very old vital records and the other for the North Pembroke Cemetery. We also just applied for a grant to help the Youth Recreation program since the State cut funding.

- Councilman Sformo thinks the Town should apply for the new WQIP grant that has just come up to try to extend the sewer line west down Route 5.

OLD BUSINESS

Discussed in department & committee reports above.

NEW BUSINESS

- No new information has been received for the bike trails project with the Town of Batavia.
- The Town received an estimate for \$5,575.00 for the repair of the goal mouths at two of the soccer fields at the Town Park. The board discussed and decided not to do this work. They agreed it is the wrong time of the year to do this with soccer starting in two weeks. The board thought the sod repairs were very costly for something that may not hold up the season. The Board will consider doing something at the end of the season.
- The town received the renewal contract for grant writers J. O’Connell. They board will discuss further at the Town Board Workshop meeting on August 29th.
- Budget forms have been distributed and the Supervisor needs them back by August 20, 2013.

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

ALL AYES - MOTION CARRIED TIME 8:25 P.M.

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

ALL AYES – MOTION CARRIED TIME: 9:00 P.M.

Supervisor Mileham reported that a decision was made in Executive Session to ban Justice Robert Alexander from Town property effective immediately. The Board will have Attorney Mark Boylan send a certified letter.

RESOLUTIONS

RESOLUTION # 50 of 2013 – Appointment of Assessor

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, AYE; Supervisor Mileham, AYE.

ALL AYES - MOTION CARRIED

WHEREAS Assessor Deborah Conti's term of office expires September 30, 2013; and

WHEREAS Deborah Conti has submitted a letter requesting reappointment to the position of Assessor; and

WHEREAS the appointed Assessor must satisfy the minimum qualifications standards for Real Property Assessors established by the State Board of Real Property Services; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board reappoints Deborah Conti as Assessor for a six (6) year term commencing October 1, 2013 and ending September 30, 2019.

RESOLUTION # 51 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 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 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.-1-29 (8038 North 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 Town hereby approves the Water Authority's acquisition of one (1) easement 15 feet in width to be located at 8038 North Pembroke Road, Pembroke, Tax Account No. 12.-1-29 in accordance with §1096(6-a) of the New York Public Authorities Law.

RESOLUTION # 52 of 2013 – Payment of Abstract # 8 of 2013

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

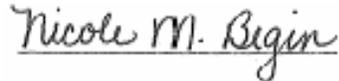
ALL AYES - MOTION CARRIED

RESOLVED that the Town Board of the Town of Pembroke authorizes the Town Supervisor to make all approved payments and bills contained in Abstract # 8 of 2013.

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind to adjourn the meeting at 9:12 P.M.

ALL AYES – CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF AUGUST 14, 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.