

MINUTES of the Pembroke Town Board **Workshop Meeting** held on **August 28th, 2014** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

PRESENT: John J. Worth, Deputy Supervisor
Gary L. DeWind, Councilman
Edward G. Arnold, Jr., Councilman

ABSENT: Peter G. Sformo, Councilman

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Mark Boylan, Town Attorney, Tara Fix, PYA.

The Workshop was called to order at 5:00 P.M.

PUBLIC PARTICIPATION ~ Ms. Tara Fix from PYA came before the board to get information regarding the agreement that the Town has with the school for the maintenance of the Town Park. Councilman Arnold explained the way the contract came about and that in the agreement the school takes on full maintenance of the mowing of the town park and in return they have first right of refusal for the sports fields. Ms. Fix explained the issues that PYA is having with scheduling fields and not having use of fields if the school decides last minute to not use their own sports fields. She explained that it is not feasible to reschedule games last minute and if the PYA has a field scheduled first they should not be bumped for a school event. Mr. Arnold said that the football field was put there for the use by PYA so that they wouldn't have to use the school's football field. Mr. Arnold also said that the park added ten more sports fields to the mix and can't understand why there is still an issue with the scheduling of them. Ms. Fix said that if the school field is wet the school will not use it. Mr. Arnold said he will discuss this issue with the school.

PARK PEST SPRAYING ~ Councilman Worth said that TruGreen can spray the park with natural products the next time around if the board agreed. The board agreed to do an all-natural spraying for a cost of \$1915.00 which is \$250.00 more than the original contract.

POSTAGE METER AGREEMENT ~ Mr. Worth has received a new agreement for the Town's postage meter machines.

A **MOTION** was made by Councilman Arnold, seconded by Councilman DeWind to renew the agreement for new refurbished postage meters with Lineage.
ALL AYES – MOTION CARRIED

CHANGE IN HIGHWAY DESIGNATION ~ NYS once again requested support from the Town to change RT 77 north to RT 63 to a Principal Arterial.

A **MOTION** was made by Councilman Arnold, seconded by Councilman Worth to support NYS DOT in their request to change RT 77 north to RT 63 to a Principal Arterial.
2 AYES- 1 NAY – MOTION NOT PASSED

JOINT YOUTH REPORT CHANGES ~ Councilman Worth suggested that the Town budget the same amount for the Joint Youth program in 2015 as was budgeted in 2014. Mr. Worth said that a bill will be sent to the other municipalities for what is expected from them in 2015 according to participation. Mr. Worth said that there is the possibility of a registration fee in 2015 for registrants.

EMPIRE PHONE ~ Mr. Worth let the board know that Empire Phone asked to do a quote for the Town for the internet and phone service. They said they could offer the town a lower rate than what we are paying now to Frontier and Time Warner.

ROOM RATES AND VENDER FEES FOR 1145 MAIN RD ~ Mr. Worth asked the board to consider a fee structure for the rental of the board room in the Town Hall. Mrs. Begin said that the offices are not left completely secure after the cleaners are here. Mr. Worth said that a business is offering free services for pets on the day of the Rabies Vaccination Clinic. Mr. Worth suggested charging a fee for this. The County Health Department holds the event but will not authorize businesses and vendors to come to the events because they are not held in their facilities. The Town Attorney, Mark Boylan suggested that the Town does not allow it because of two reasons, the Town would be opening themselves up to all businesses at the next Rabies Clinic and it would give the appearance that the town is favoring one business over another.

SALT INCREASE 27% ~ Mr. Stocking received a letter from the county regarding future salt purchase. The town is currently paying \$39.24/ton for delivered salt. The price is going up 27% in 2015 which is an increase of \$10.59/ton. This will cost the town \$47,000.00 more to fill the salt barn. This year it cost approximately \$230,000.00 to fill the salt barn. Mr. Stocking also said that his 2014 budget is way down because of last year's winter and we could end up with snow in October, November or December. Mr. Worth said that if we have a winter like last year the Town is going to be hurting for money.

SEWER

SEWER LAW ~ Attorney Mark Boylan said both he and the engineer have reviewed the Sewer Use Law and it has been adapted to the Town's needs. Engineer Jeremy DeLyser is looking into detail on grinder stations. Mr. Boylan will send it over to the Village of Corfu for their review.

SEWER MUNICIPAL AGREEMENT ~ Mark Boylan said there was a municipal agreement that was signed when Supervisor Mileham was on office and is already in place. He also said that the length of the agreement is set for bonding and must be at least the length of time that the municipality is borrowing the money for the project. If it is a thirty year loan it must be a thirty year agreement.

Councilman Arnold asked about the Village requesting that the Town cover their billing program for the town's sewer district. Mr. Arnold's position is that part of the O&M charges that the town has agreed to should cover that program. Mr. Worth said that out of the rate per thousand there are O&M charges and out of those O&M charges to Pembroke residents there should be a reserve created to cover the expenses that the town's sewer district creates. Mr. Worth said once the district is up and running there could be money from O&M charges to reimburse the Village for the cost of the program.

OLD BUSINESS

- 1. Staffing and Interviews ~ No Report.
- 2. Fix Insulation issue at Town Hall to prevent pipes from freezing ~ Councilmen DeWind and Worth have set up an appointment to have the insulation problem fixed at the Town Hall.
- 3. Cemetery Bank account ~ Councilmen Arnold and Worth had the check cut for the North Pembroke Cemetery and all the permanent accounts have been put into CDs with Bank of America.

NEW BUSINESS

- 1. Community Center Floor Wax spring time ~ Gary
- 2. Mark Boylan legal update for Time Warner Franchise Agreement ~ Mr. Worth informed Mr. Boylan that due to legality the board would like to renew the Time Warner Cable franchise agreement for a five year term but need to keep the 3% fee in the contract.

A **MOTION** was made by Councilman Arnold, seconded by Councilman Worth to have Mark Boylan contact and negotiate the Time Warner Franchise agreement with the 3% fee.
ALL AYES – MOTION CARRIED

COMMITTEE REPORTS

Councilman Arnold –

Complaint - Councilman Arnold said that a home owner on Lovers Lane Road has complained that his basement flooded because of the installation of the sewer line on Main Road. Mr. Arnold said that the engineers have been to the site and say that the installation of the sewer line is not the cause of his basement flooding. Mr. Stocking said that the house is 40 feet of inclined road away from where the sewer line was installed. Mrs. Begin spoke with the previous owner who said that the basement had a sump pump because of water issues and that without it the basement would have flooded. The Engineers said that the basement had been refinished and the sump pump was removed. Mr. Stocking said that this has been an extremely wet year and without a sump pump most basements flooded this year. Attorney Mark Boylan said that he will have to prove it in court that the sewer line caused the flooding.

Zoning Complaint - Councilman Arnold was called to Indian Falls Road due to odor. Mr. Arnold immediately went to the site and found everything locked up tight. Mr. Arnold said that the house across the street had their septic tank pumped and believes that the odor came from there when the tank was opened and pumped. Mr. Arnold could not find an odor smell on either the complainant’s property or the next door neighbors.

Village Dissolution - Councilman Arnold said that he and Councilman Sformo are on the Village Dissolution Study Committee. The Village is concerned about the Town taking over the Village and the residents losing services such as sidewalk plowing, brush pickup, street lights and police department services.

Mr. Arnold said the committee reviewed their expenses and revenues that the Village has. One concern was the sales tax revenue that the Village receives from the County. County Treasurer Scott German confirmed that the money would go to the Town.

Mr. Arnold said that the sales tax money would cover the expenses of the services that the village residents want to keep however, once the money is put into the general fund it is believed that it would not be able to be used for those purposes. The Village residents do have a Village tax that would also cover those expenses. The Village could be kept as a separate district in the budget and they would be able to keep those services that they want to keep. Mr. Arnold said he does not see how the police department could be eliminated. Mr. Worth said that the Village residents could chose to keep whatever they want and they would just pay for it as a separate district in the Town budget. Mr. Arnold said things are moving along and there has been a lot of discussion. Mr. Arnold said that the Village has asked that he and Councilman Sformo discuss the dissolution with the Town Board and see if the Board is comfortable, agreeable and accepting of taking over the Village. Mr. Worth said he believes the town does not have a choice and he said it is up to the Village to decide. Mr. Worth said he does not think that the Village residents will notice much of a difference in services, they would lose their elected Village officials. There would still be two clerks at the Town Hall for Village services. Mr. Arnold agreed. The cost for brush pickup would be decided by the Village. If the Village residents want brush pickup five days a week they would need to pay for that, they could decide to go to once a week to save on taxes. Mr. Arnold will let the Village know that the Town is not opposed to the dissolution.

Sewer Expansion - Councilman Arnold said a meeting was held with the truck stops along with Mark Masse from GCEDC and engineers from Clark Patterson and Chatfield. The TA will need to do something regarding the septic system in the next 12-18 months. Flying J's system is still good and they do not need to do anything with it at this point. However, Flying J understands that for the betterment of them and the surrounding businesses that they would have to put money forth for expansion of the sewer district. Mr. Arnold said that this expansion will cost the town some money. Mr. Arnold will make the necessary contacts if the board is willing to get the process started. Councilman Worth said that in order for the Town to grow we need to attract new businesses and according to the GCEDC, Engineers and the Town Attorney, the only way to do that is by having the necessary infrastructure like water and sewer. The future is in the infrastructure and in order for the Town to survive we need to see more business to bring in jobs and in doing so bring more families with children to increase the school enrollment. Mr. Worth said that it all comes down to financing right now. Mr. Worth said there are some ways to maybe generate some funds. We need to look at a lot of different things and the board as a whole would need to put in a lot of energy and time into getting things moving. The VA Cemetery is coming and they would like infrastructure and they may be willing to help with expansion. Councilman Arnold said at this point the decision to move forward is the town's.

Planning Board Chairman Tom Schneider – Mr. Schneider said that the owners of the property where the RC Pulsars are flying their planes have been served and are being sued by the neighbors. The hearing will be held in Erie County because for some reason residents of Erie County are fronting the lawsuit.

Superintendent Stocking – Mr. Stocking said that the salt barn is filled, fall mowing is almost done and the gas pump work is almost finished.

The board discussed having Matt’s Landscaping do weed wacking at the Town Park in 2015 and putting something in the 2015 budget to pay for it. The board will discuss further when review the proposed budget.

Deputy Supervisor Worth – Mr. Worth said that the budget process has been started. Mr. Worth will meet with Laura Landers from Freed Maxick. Ms. Landers may meet with the board and go over the entire budget at the Workshop meeting if desired. Mr. Worth will submit the budget to the Town Clerk after that meeting.

RESOLUTIONS

RESOLUTION # 63 of 2014 - Approval of Acquisition of an easement 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 DeWind, AYE.
ALL AYES - MOTION CARRIED

WHEREAS, The Monroe County Water Authority (“Authority”) is responsible for the future replacement of the existing water main along Angling Road, in the Town of Pembroke; and

WHEREAS, the acquisition of one (1) easement is necessary for the construction, installation, operation, and maintenance of a replacement water main; and

WHEREAS, the approximately 133’ x 15’ easement necessary for the replacement water main is located along the frontage of 2569 Angling Road (Tax Acct. No. 21.-1-44), which is owned by William B. and Renee M. Burns; and

WHEREAS, the acquisition is necessary to allow for the completion of the construction, installation, operation, and maintenance of the replacement water main which will allow the Water Authority to continue to provide potable water supply and fire protection to the area; and

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

RESOLVED, that the Town hereby approves of the Water Authority’s acquisition of 2569 Angling Road easement in accordance with §1096(6-a) of the New York Public Authorities Law and **BE IT FURTHER**

RESOLVED that a copy of this resolution be provided to Margo Phelan at the Monroe County Water Authority.

RESOLUTION # 64 of 2014 – Payment of Abstract

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.
ALL AYES - MOTION CARRIED

WHEREAS, a request has been made to pay the normal operating expenses of the Town of Pembroke, and,

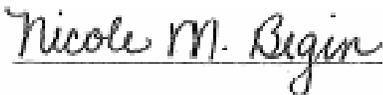
WHEREAS, these payments are within the normal scope of the 2014 working budget, and create no additional cost to the Town of Pembroke; **NOW, THEREFORE BE IT**

RESOLVED, that the Town of Pembroke hereby authorizes the Supervisor to make the appropriate payments contained within abstract # 8b of 2014.

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind to adjourn the meeting at 7:35 P.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 AUGUST 28, 2014 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.