

MINUTES of the first **Regular Meeting** of the month of the Pembroke Town Board held on **May 13, 2015** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

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

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Tom Schneider, Planning Board Chairman; Nathan Witkowski, ZBA Chairman; Deborah Conti, Assessor; Charles Reid, Zoning Officer; Wayne Henry & Brian Bailey, Yancey's Fancy; Herm Clouse; Greg Brockway.

The meeting was called to order at 7:00 P.M.

Supervisor Lawrence gave the invocation and led the Pledge to the Flag.

PUBLIC PARTICIPATION ~

Herm Clouse spoke to the board about surplus property on Little Falls Road that is adjoining to his property. Mr. Clouse said he and his wife are interested in purchasing the property and said that they plan to live in Pembroke and make it home.

Wayne Henry and Brian Bailey from Yancey's Fancy gave a status report on the progress of the new plant at the Buffalo East Tech Park (BETP). They said employees have really stepped up and have been working overtime to keep up with demand. There was no slowdown in sales after the holidays. Mr. Henry said there are currently 40 job openings and they have exceeded their job creation commitment. They hope to have the new plant up and running in July. There will be a dedication of the building after employees settle into their new home. The sewer hook up to the old plant will be tomorrow.

Mr. Bailey asked if there was any chance of having the speed limit lowered through the area by Kutter's Cheese. On Main Road heading west the speed limit goes from 45mph at the BETP up to 55mph and then back down to 40mph at the thruway overpass which is only about one mile. Mr. Bailey said there have been several accidents there especially with the Pembroke Medical Center, DeLaval, Kutter's Cheese and Barone's gas station all exiting around the same area. The latest accident was last week when a motorist pulled out into traffic hitting an oncoming motorcyclist. The Town Board said they will look into it with the state DOT and also it would help to have petitions. Mr. Bailey will work on the petitions. Supervisor Lawrence said she would like to tie in the possibility of turning arrows at the intersection of route 5 and route 77.

APPROVAL OF MINUTES

On **MOTION** of Councilman Sformo, seconded by Councilman Worth, to approve the minutes of the second Regular Meeting of April 23rd, 2015.

ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS**ASSESSOR** – Deborah Conti

- Mrs. Conti said the Board of Assessment Review will meet to hear grievances on May 26th from 2-4pm and 7-9pm. Councilman Worth will help set up for the board.

PLANNING BOARD – Thomas Schneider

- Mr. Schneider said that the Planning Board approved a cell tower on Main Road at their April meeting.
- Mr. Schneider spoke to Mr. Bromsted who had come before the Town Board in April because of a zoning issue on a land locked parcel that he purchased. Mr. Bromsted would like to build on the lot but building structures are not allowed on land locked parcels. Mr. Bromsted was referred to County Planning because his parcel of land has an easement for agricultural purposes only and he does not own the property on which his easement lies.
- There is nothing on the agenda yet for the May Planning Board meeting.

ZONING & CODES ENFORCEMENT – Charles Reid

- The monthly report is submitted and filed.
- Mr. Reid inspected the shed for the home owner applying for a kennel permit.
- Mr. Reid said there are three structures at 249 Maple Road that are in really bad shape and should be condemned. He called the owners in North Carolina but has not heard back from them. Supervisor Lawrence will contact the County to find out if there are any liens on the property. Mr. Reid said he will need the ok from the Town Board to officially condemn the property and then letter can be sent to the owners.
- Mr. Reid said that the house on Main Road with structural issues will be torn down in June.
- There is a house on Maple Road where a pole barn has been built and the owner plans to repair the house in the near future.

ZONING BOARD OF APPEALS – Nathan Witkowski

- Mr. Witkowski said the ZBA referred a kennel permit application to county planning because it was in an agricultural district (AG) which the Town does not allow. They will meet back in May to discuss further and may make a request to the Planning Board for a zoning law change to allow kennels in AG areas.
- Mr. Witkowski said that he also received a call from Mr. Bromsted regarding a zero frontage variance. Mr. Witkowski said there is nothing in the zoning law that allows the granting of this variance. Mr. Witkowski said he followed all proper procedure.

HIGHWAY – Stephen Stocking

- Town Clerk Begin reported for Superintendent Stocking that the CHIPS balance for the Town is \$95,731.93 which is available for the June payment to the Town.

JUSTICE – David O'Connor & Edwin F. Mileham, Jr.

- The March & April monthly reports have been submitted and filed.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed.
- Mrs. Begin thanked the Town Board for allowing her to attend the NYS Town Clerk's Conference. Nicole reported that she earned Registered Municipal Clerk (RMC) title for ten years of service and education. There are only about a third of NYS Town Clerks that have earned their RMC. In order to keep the RMC title Nicole will have to continue education and report it to the New York State Town Clerk's Association every few years.
- Mrs. Begin reported that there is a new feature to the Payroll program for the Affordable Care Act. Supervisor Lawrence will check into it with CPP.
- Mrs. Begin reported to the Town Board that there is a problem in the front of the building with voles. Last year one of the bushes turned completely brown and was removed and now another has done the same. PestRX said it is caused by voles when they eat the roots of the bush. The board agreed to have the Town Clerk call PestRX to come and take care of the vole problem. The dead bush will not be removed until the voles are taken care of so they will not move to the next bush.

SUPERVISOR – Annie Lawrence

- Mrs. Lawrence congratulated the Town Clerk for earning her RMC title.
- The County Shared Services Plan was filed on April 29th. Supervisor Lawrence had to complete more information today.
- On May 6th Supervisor Lawrence met with the Corfu Mayor Dave Bielec to discuss the sewer.
- Also on May 6th Mrs. Lawrence met with Reverend Dean and Guy Gabbey from the High Point Church about their interest in connecting to the sewer line. The Church is now the emergency location for the school and Mrs. Lawrence was not sure why they were not connected before. Town Clerk Begin said that this was the first she has heard of the emergency location for the school being changed to the church since it was always the Town Hall that was the emergency location. The town Board agreed that this was the first time they have heard of the change in emergency location. Mrs. Begin also said that the church is not directly in the sewer district and would have been an out of district user. The Town Board had discussions with the church and if there had been any grant monies left over they were going to see if it could be used to help connect the church but there ended up being no grant money left.
- On May 6th Supervisor Lawrence also met with the grant writers of J. O'Connell & Assoc. regarding the new WQIP finding that is available and other grant funding possibilities. She also spoke to them about possible funding for a solar project. She said the Town should be exploring the use of solar power to help pay for utilities for the school, the park, and the Town Hall. Councilman Worth said the board looked at wind power at one point but did not have the matching money needed to contribute to the grant. He also said that the school had been looking into the same opportunities.

- Supervisor Lawrence sent the Board members information on the Chamber of Commerce travel guide. Mrs. Lawrence asked the board what direction they would like to go in the future for Pembroke's page. Supervisor Lawrence suggested getting someone from the Chamber of Commerce to meet with the area businesses at the Town Hall and have the prices available for them and have the businesses sign a contract if they are interested. Mrs. Lawrence asked if the Town Board would still like to contribute financially toward the page in the guide. The Board was ok with contributing the \$1,800.00 toward the page.
- Mrs. Lawrence said that 2015 1st Quarter Sale Tax revenue has been received in the amount of \$287,943.21. It was \$23,331.06 less than the 4th Qtr. of 2014.
- Mrs. Lawrence said that if the board is in agreement the engineers at Clark Patterson Lee will start working with J. O'Connell & Assoc. to explore a new WQIP grant application. The grant must be submitted by July 31st and like the first one we received it is focused on septic quality of residents only. The Town would be applying to continue the sewer line through the hamlet of Pembroke, west on Route 5. There would be no additional cost reflected in this exploration process. The Board agreed to move forward.
- Mrs. Lawrence said the GCEDC is keeping her in the loop regarding interest in the BETP.

SPECIAL ASSIGNMENT

1. Village Dissolution Study ~ Mr. Arnold said that there was an informational meeting held on May 12th. The new village attorney and the state representative were present. Mr. Arnold said the Committee will put together a dissolution plan with sidewalk & sidewalk snow removal and brush pick-up as special districts. The residents in attendance were informed that there is a village law that states it is the home owner's responsibility to remove snow from their sidewalk and to pay for necessary repairs which most were unaware of. It was also the residents misunderstanding that the only reason that there were upgrades to the sewer plant was so that the Town could hook in. They were not informed that the sewer plant was in need of repairs and that the only reason that the Village received grant money to pay for those repairs was because they applied for the grant with the Town. The Dissolution Committee will make a recommendation to the Village Board and if the Village Board adopts the plan they will set up a Public Hearing.

COMMITTEE REPORTS

Councilman Arnold – Mr. Arnold said that he and Councilman Worth attended a meeting with PYA regarding their request to erect a shed type structure at the Town Park. Councilman Worth explained to them that the board does not agree with the addition of another shed and that other groups have also been denied their request to put up a shed. Mr. Worth and Mr. Arnold said that the Town Board does not want to have the park dotted with sheds. They said if the PYA was interested in raising money to build a multi-purpose building for other groups to use as well then the Board would be open to that.

PYA also asked about the field east of the baseball diamonds for use for soccer. They will discuss with Councilman Arnold further.

PYA asked about moving of a port-a-john closer to the ball diamonds so the kids do not have to walk through the lot when they need to use it. The board discussed this and felt that currently the port-a-johns are centrally located and since the park is used all summer by other residents as well they did not want to move the port-a-john. They agreed that PYA could pay to rent an extra port-a-john in the park near the backstops if they want it during their baseball/softball season.

Councilman Worth – Mr. Worth reported that the hole at the community center that was dug in the fall due to gas odor has been cleared by National Fuel and has been filled by the Highway crew.

The water meter at the Town Park has been repaired due to it freezing & breaking in the winter.

Councilman Worth gave Diane Denton access to input the vital records into Docuware for the LGRMIF grant that the Town Clerk received. The grant must be closed out by June 30th.

The phone line that was requested by the Village Court has been installed.

Councilman Worth attended a meeting regarding the Emerald Ash Borer and the issues they are causing to our states' Ash trees. Mr. Worth said he learned that brush piles kept by municipalities are one cause of the problem. Transfer of wood is also a problem.

Mr. Worth said the town is waiting to hear from the DEC regarding the area on the west side of the Town Hall that was dug when the sewer line was installed. There was an environmental issue that was discovered and the Town is waiting to hear if it is clear. The Highway employees are willing to work to clean it up.

Councilman Sformo – Mr. Sformo said the paperwork for the Memorial Day Parade has been submitted to State DOT.

Mr. Sformo said he and Councilman Worth had a meeting with engineers Jeremy DeLyser and Corey Neefus and also Ransco Pipeline. Ransco said their surface work is almost done and the project should be closed out soon. Wargo will be out to do the surface work on the area north of Cohocton Road and on Main Road soon.

Mr. Sformo has heard no response from two of the three residents that were told they had to install a water meter on their well pump so they could be billed properly for their sewer use. Since there was no response, the Village informed them that they will be billed without an accurate meter reading as is the practice according to the sewer use law.

Mr. Sformo asked the board what the plan is regarding the SEQR letter requested by County Line Stone (CLS) for the rebuilding of the road. The board discussed the draft letter that Supervisor Lawrence proposed but she only received one response by Councilman Worth in opposition to it. Mrs. Lawrence said she felt it should be the board as a whole that agrees to the letter and all the members should sign it. Councilman Arnold said he is neither for it or against it but feels the Board should get feedback from the residents before something is signed. Councilman Sformo and Councilman Worth agreed that according to DEC there is no need to change the roads, that if the mining permit and quarry are approved CLS can mine without changing of the road. Supervisor Lawrence asked to meet with Councilman Sformo to go over the letter with her. Supervisor Lawrence said nothing will be signed or sent without entire board approval.

RESOLUTIONS

RESOLUTION # 42 of 2015 – Approval of acquisition of an Easement by the Monroe County Water Authority Pursuant to §1096(6-A) of New York’s Public Authorities Law ~ 569 Scribner Road

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 Lawrence, AYE.
ALL AYES - MOTION CARRIED

WHEREAS, The Monroe County Water Authority (“Authority”) is responsible for the future replacement of the existing water main along Scribner 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 [208’ x 15’] easement necessary for the replacement water main is located along the frontage of 569 Scribner Road (Tax Acct. No. 18.-1-92.1), which is owned by Richard & Joyce Zuchoski; 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 Haywood Glen 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 the Monroe County Water Authority.

RESOLUTION # 43 of 2015 – Approval of acquisition of an Easement by the Monroe County Water Authority Pursuant to §1096(6-A) of New York’s Public Authorities Law ~ 9156 S. Lake Road

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 Lawrence, AYE.
ALL AYES - MOTION CARRIED

WHEREAS, The Monroe County Water Authority (“Authority”) is responsible for the future replacement of the existing water main along S. Lake 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 [200’ x 15’] easement necessary for the replacement water main is located along the frontage of 9156 S. Lake Rd. (Tax Acct. No. 22.-1-111), which is owned by William S. Pyszczek; 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 S. Lake 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 the Monroe County Water Authority.

RESOLUTION # 44 of 2015 – Approval of acquisition of an Easement by the Monroe County Water Authority Pursuant to §1096(6-A) of New York’s Public Authorities Law ~ 8503 N. Lake Road

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 Lawrence, AYE.
ALL AYES - MOTION CARRIED

WHEREAS, The Monroe County Water Authority (“Authority”) is responsible for the future replacement of the existing water main along North Lake 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 [654' x 15'] easement necessary for the replacement water main is located along the frontage of 8503 North Lake Rd. (Tax Acct. No. 14.-2-47), which is owned by K&K Development of Alden, Inc.; 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 North Lake 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 the Monroe County Water Authority.

RESOLUTION # 45 of 2015 – Accept Bids for vacant parcels – Brown Rd. & Little Falls 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 Sformo, AYE; Councilman DeWind, AYE; Supervisor Lawrence, AYE.
ALL AYES - MOTION CARRIED

WHEREAS, The Town Board desires to sell two parcels of land currently owned by the Town located on Brown Road (.90 Acres, assessed value \$900.00) and Little Falls Road (2.76 Acres, assessed value \$1,800.00) which have been determined by the Town to be surplus property; and

WHEREAS, the sale of these parcels is subject to a 30 day permissive referendum; **NOW THEREFORE BE IT,**

RESOLVED, that the properties shall be sold by sealed bid to the highest bidder. Minimum bids for the parcels are as follows: Brown Road - \$900.00, Little Falls Road - \$1,800.00, all sealed bids are to be received by the Town Clerk no later than 4:30 P.M. on June 13th, 2015 unless an electors petition, signed by at least at least five per centum of the total vote cast for governor in said town at the last general election held for the election of state officers, but which shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class, is received by June 12th, 2015 protesting said resolution and requesting a referendum thereon; and, **BE IT FURTHER**

RESOLVED that the award of bids will take place at the Town Board meeting scheduled for June 25th, 2015 at 5:30 P.M.

RESOLUTION # 46 of 2015 – 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 Sformo, AYE; Councilman DeWind, AYE; Supervisor Lawrence, AYE. ALL AYES - MOTION CARRIED

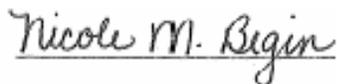
WHEREAS, A request has been made to pay the normal operating expenses of the Town of Pembroke, and,

WHEREAS, these payments are within the normal scope of the 2015 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 # 9 of 2015.

On **MOTION** of Councilman DeWind, seconded by Councilman Worth to adjourn the meeting at 9:20 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 MAY 13, 2015 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.

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