

MINUTES of the **Meeting** of the Pembroke Town Board held on **May 14th, 2020** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

PRESENT: Thomas Schneider, Supervisor
Edward G. Arnold, Jr., Deputy Supervisor
K. Warren, Clark, Councilman
Thomas Dix, Councilman
Kathleen Manne, Councilwoman

OTHERS PRESENT: Stephen Stocking, Highway Superintendent; Nicole M. Begin; Town Clerk; James Wolbert, Zoning; Scott Turner, Highway Dept.

Supervisor Schneider led the pledge of allegiance & called the meeting to order at 6:35 P.M.

PUBLIC PARTICIPATION ~ None

APPROVAL OF MINUTES

On **MOTION** of Councilman Arnold, seconded by Councilman Dix, to approve the minutes of the meetings of April 23rd, 2020. **ALL AYES - MOTION CARRIED.**

DEPARTMENT REPORTS

ASSESSOR – Tina McQuillen

- Mr. Schneider reported that the Assessor had been out on COVID isolation due to coming into contact with someone at another Town hall in which she worked.

ZONING & CODES ENFORCEMENT – Jim Wolbert

- Report received and filed.
- Jim Wolbert said that he has been issuing a lot of building permits. He has also mailed three letters for Order of Remedy.
- Mr. Wolbert did online NYS Zoning training this entire week because in person training had been cancelled. The training really stressed the importance of good software and record keeping.

HIGHWAY – Stephen Stocking

- Superintendent Stocking said that the new loader was delivered, and the new dump truck should be in next week.
- Mr. Stocking has three items that need to be auctioned as they are of no more use to the highway department.
- Mr. Stocking reported that the Highway Superintendents met this morning to discuss the County's proposal of a five-year snow and ice agreement. The current agreement is annual. The towns all agreed that five years is too long and want to keep the one-year agreement length. They also want the dollar amount written in the agreement. The County would like a response from the town by May 30th.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed.
- The Pembroke Fire Department has requested that a Gasboy account and key Fob be issued for them so that they can get gas to mow their lawn. The board approved. Nicole will create the account and fob.

PLANNING BOARD – James Uebelhoer

- There will be an online Planning Board meeting in May. Ms. Denton will mail all the materials to each member.

ZONING BOARD OF APPEALS – Terrance Daniel

- There will be an online ZBA meeting in May. Ms. Denton will mail all the materials to each member.

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

- The March 2020 monthly reports are submitted. Fines and fess totaled approximately \$2,300.00, \$10,000.00 lower than average.
- Mr. Schneider built a glass sneeze guard in the court areas to protect against COVID.

OLD BUSINESS

1. Sewer treatment plant expansion has been on going and they are still on target for October.
2. NYCLASS Investment – Mr. Schneider would like to invest the NYCLASS since bank interests are low and with NYCLASS you don't need to constantly monitor the accounts.
3. Zoning Software – Mr. Schneider and Mr. Wolbert are looking into two separate programs. At this time, they would like to go with BAS but have a webinar to look at a different program. If the programs are similar and offer the same usable features, they will look into purchasing the one that is lower in price.
4. Jim Wolbert is taking the Code enforcement Classes online this week.
5. Mr. Schneider repaired the flagpole lights and they are verified to be working.
6. The Pembroke Youth Association (PYA) has cancelled all spring sports.
7. Water district 4 is proceeding. Loan rates are coming in lower than originally expected.
8. Spectrum Franchise Agreement – There is a resolution to increase the franchise fee from 3% to 5% fee.
9. Jim Wolbert is having success with voluntary compliance with well worded letters.

NEW BUSINESS

1. There is a proposal for a mixed use building to be built across from high school. A Zoning Use addition is needed, and it would have to go before the County.
2. There is potential new business repurposing the existing building across from Kutter's Cheese store.
3. Sue has received authorization to use JCAP funds to install sneeze guards in the court office windows and Mr. Schneider installed them. A drop box has been installed outside the Town Hall and Community Center.

4. The President of PYA has asked if PYA could be allowed to place another portable shed at the Town Park for the Spring, Summer and Fall. They would like to sell snacks out of the building, to raise funds from sporting events held at the Town Park. The board will discuss further.
5. Mr. Schneider has been working with Town Clerk Begin and Jim Wolbert on amending our Local Law on “*Peddler Permits*” to include Food Trucks, transient businesses and a Do Not Knock registry.
6. The Planning Board and Zoning Officer are looking at revised zoning for Solar Farms.
7. Water Agreement with the County - Universal Water Surcharge – Even though the Town did not sign a new agreement with the County but rather decided to stick with the old agreement, the County deducted money from the Quarter 1 sales tax distribution for a water surcharge. Darien is preparing for legal action and would like to know if Pembroke would be interested in being a part of the lawsuit. The board agreed that they would like to proceed up to the point of a letter being sent to the county that there was a breach of contract.
8. Genesee County revenue sharing – Supervisor Schneider notified the Town Board that the County has stopped ALL sales tax revenue sharing effective immediately for the remainder of 2020 and for 2021. The Town of Pembroke will have a shortfall of \$850k for the remainder of this year and approximately \$1.2k in 2021 meaning a town tax is inevitable in 2021. Mr. Schneider is working with the bookkeeper to pull all of our fund balances to see where and what we can cut this year. The board discussed cuts and also using unassigned fund balances to make it through the year. Councilwoman Manne said we need to make sure we follow legal guidelines. Mr. Schneider will get the actual figures spent in 2019 and have the 2020 budget for the board so that final decisions could be determined. The Town Clerk and Highway Superintendent will look to see where they can make cuts. Mr. Schneider said the Town of Pembroke runs a tight ship and we don’t have a lot of stuff to cut. Councilwoman Manne confirmed that the town will break the tax cap in 2021. She suggested that we look into deficit financing that have really low interest rates so that we wouldn’t have to hit up our residents with a large tax rate all at once. The board will discuss further at the workshop meeting on May 28th.

RESOLUTIONS

RESOLUTION # 33 of 2020 – Payment of Abstract

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 2020 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 2020.

Motion: Councilman Arnold

Second: Councilman Dix

Ayes: Dix, Manne, Clark, Schneider, Arnold

Nays: None

APPROVED by: Unanimous vote (5-0)

RESOLUTION # 34 of 2020 – Acknowledgment of Uniform Justice Court Act Audit

WHEREAS the New York State Unified Court System announced the Action Plan for the Justice Courts to improve accountability and controls over the Justice Court finances and records; and

WHEREAS Section 2019-a of the Uniform Justice Court Act requires that town justices annually provide their court records and dockets to their respective town boards to be examined or audited; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board confirms that an audit was complete for calendar year ending 2019 for the Town of Pembroke Justice Court.

Motion: Councilwoman Manne

Second: Councilman Arnold

Ayes: Dix, Manne, Clark, Schneider, Arnold

Nays: None

APPROVED by: Unanimous vote (5-0)

RESOLUTION # 35 of 2020 – Purchase of BAS Integrated Property System or other Zoning software

WHEREAS, the Town of Pembroke Zoning & Codes Department Permit Tracking and records Keeping is almost entirely paper based;

WHEREAS, Zoning and Codes software will allow the Zoning & codes Department to operate more efficiently;

WHEREAS, Zoning and Codes software will allow for better tracking of permits, complaints and provide for a more timely and increased fee collection; **NOW, THEREFORE, BE IT**

RESOLVED that Supervisor Thomas Schneider Jr. is hereby authorized to purchase Zoning & codes software not to exceed \$18,400.00 to be paid from unassigned fund balance.

Motion: Councilman Arnold

Second: Councilwoman Manne

Ayes: Dix, Manne, Clark, Schneider, Arnold

Nays: None

APPROVED by: Unanimous vote (5-0)

RESOLUTION # 36 of 2020 – Authorize Supervisor to invest with NYCLASS

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (“Section 119-o” empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, town and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis;

WHEREAS, the Town of Pembroke wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014;

WHEREAS, the Town of Pembroke wishes to assure the safety and liquidity of its funds;
NOW, THEREFORE, BE IT

RESOLVED that Supervisor Thomas Schneider Jr. is hereby authorized to execute and deliver the Cooperative Investment Agreement in the name of and on behalf of the Town of Pembroke.

Motion: Councilman Dix

Second: Councilman Arnold

Ayes: Dix, Manne, Clark, Schneider, Arnold

Nays: None

APPROVED by: Unanimous vote (5-0)

RESOLUTION # 37 of 2020 – Resolution Charter Communications Cable Franchise Agreement

WHEREAS, the Town of Pembroke has asked charter Communications for a list of Roads for proposed line extensions and said Confidential list was provided;

WHEREAS, it is in the best interest of the Town of Pembroke to have highspeed internet on all roads wherever feasible;

WHEREAS, the town of Pembroke can set a Franchise Fee rate up to 5%; **NOW, THEREFORE, BE IT**

RESOLVED that Supervisor Thomas Schneider Jr. is hereby authorized to sign the Franchise Agreement on behalf of the Town of Pembroke with a 5% franchise fee.

Motion: Councilman Arnold

Second: Councilman Dix

Ayes: Dix, Manne, Clark, Schneider, Arnold

Nays: None

APPROVED by: Unanimous vote (5-0)

RESOLUTION # 38 of 2020 – NYS Retirement Standard Workday Resolution & Reporting –
Town Supervisor & Town Clerk

BE IT RESOLVED, that the Town of Pembroke / 30299 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities ROA:

<u>Title/Name</u>	<u>Standard Work Day (Hrs./day)</u>
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Town Supervisor – Thomas Schneider	6
Town Clerk – Nicole M. Begin	8

Motion: Councilman Arnold

Second: Councilwoman Manne

Ayes: Dix, Manne, Clark, Schneider, Arnold

Nays: None

APPROVED by: Unanimous vote (5-0)

RESOLUTION # 39 of 2020 – Surplus Highway Equipment – Auction

WHEREAS, the Town of Pembroke has excess equipment that it wishes to auction because it has no more use to the Town of Pembroke: and

WHEREAS, the Highway Superintendent recommended to the Pembroke Town Board to auction the following equipment:

- 2010 John Deere Z920A-48 48” zero turn mower
- 72” Box Scraper
- 96” York Hydraulic Power Rake
- 2004 Mack 10-Wheeler Dump Truck w/snowplow equipment

RESOLVED, the Pembroke Town Board hereby authorizes the Highway Superintendent to auction the aforementioned equipment with Auctions International.

Motion: Councilman Arnold

Second: Councilwoman Manne

Ayes: Dix, Manne, Clark, Schneider, Arnold

Nays: None

APPROVED by: Unanimous vote (5-0)

RESOLUTION # 40 of 2020 – Authorization for Town Supervisor to sign agreement with Municipal Solutions, Inc. – Pratt Road Water District

WHEREAS Municipal Solutions, Inc. Financial Advisors have provided a proposal and contract to the Town of Pembroke for the help with the bonding of the Pratt Road Water District for the services that they will provide; **NOW, THERFORE, BE IT**

RESOLVED, that the Town Board hereby authorizes Town Supervisor Thomas Schneider to sign the contract with Municipal Solutions, Inc. for services provided for the Pratt Road Water District.

Motion: Councilman Arnold

Second: Councilman Clark

Ayes: Dix, Manne, Clark, Schneider, Arnold

Nays: None

APPROVED by: Unanimous vote (5-0)

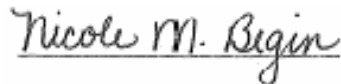
A **MOTION** was made by Councilman Dix, seconded by Councilwoman Manne to enter into Executive Session to discuss a personnel matter at 8:27 P.M.
ALL AYES - MOTION CARRIED.

A **MOTION** of Councilwoman Manne, seconded by Councilman Dix to exit from Executive Session at 8:57 P.M.
ALL AYES - MOTION CARRIED.

No decisions were made in Executive Session

On **MOTION** of Councilman Arnold, seconded by Councilman Dix to adjourn the meeting at 9:00 P.M. - ALL AYES – MOTION CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk