

MINUTES of the Regular Meeting of the Pembroke Town Board held on November 12, 2008 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: James H. Tuttle, Supervisor
Gary DeWind, Councilman
Peter Sformo, Councilman
Edward Arnold, Jr., Councilman
E. James Mallory, Councilman

OTHERS PRESENT: Andrea Davis, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Tom Schneider, ZBA Chairman; Scott Waite, County Planning; and Aaron Swable.

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

On **MOTION** of Councilman Arnold, seconded by Councilman Mallory, to approve the Minutes of the October 8th Regular Meeting and the October 22nd Workshop.

ALL AYES – MOTION CARRIED.

DEPARTMENT REPORTS

ZONING & CODES ENFORCEMENT

- The Zoning Officer's October Report has been submitted and filed.

ASSESSOR

- Exemption applications are all ready to be mailed in January.

HIGHWAY

- Plow trucks are ready.
- The new truck is being built in about a week; will not be needed until the 1st of the year.
- The Highway workers cleaned out behind the fire hall.
- Prices have been obtained for a generator.

TOWN CLERK

- The Town Clerk's monthly report for October submitted and filed.

Regular Meeting

-2-

11/12/08

- The performance bond covering the tax collection will be called for after the resolution is made.

PLANNING BOARD

- The Minutes of the October Planning Board meeting have been submitted and filed.

ZONING BOARD OF APPEALS

- The Minutes of the October ZBA meeting have been submitted and filed.
- Mary Ann Silvernail has resigned as Secretary for the ZBA; Nancy Mandolene will be taking over the position.

JUSTICES

- The Justices' reports for October have been submitted and filed.

SUPERVISOR

- The Supervisor's October report has been submitted and filed.
- Supervisor Tuttle reported that we are in the final close-out stages of Water District #3. Finalization of the District #3 project is being completed as well as the Park Grant.
- Municipal Solutions is coming on the 24th regarding Water District #3. All bills have been taken to O'Connell to finish the park grants.

COMMITTEE REPORTS

Audit, Finance, Insurance, Investment, & Purchasing – Councilman Arnold

There was no report.

Regular Meeting

-3-

11/12/08

Building & Ground – Councilman Mallory

The State Police have contacted Todd Skeet regarding establishing a police room at the Village. The room would be used for the officers to change into and from their uniforms. This would require a petition to be installed in the Janitor's room. They would also need a place to secure a police vehicle. Mayor Skeet said that there is space available at the Water Plant. Councilman Mallory said that he thinks the Village will stand the cost. They still need to have the approval of the State.

Highway/Assessment/Court – Councilman Mallory

A grant has been received for the security system. The Judges would like to have the alarm system installed; they have the monies. This would include two (2) panic buttons in the Clerk's office and two (2) in the Courtroom. The Board agreed to let them proceed. Councilman Mallory will contact them.

Planning, Zoning, Code Enforcement – Councilman Arnold

There was no report.

Public Services, Water, Sewer, Refuse/Recycling – Councilman De Wind

There was no report.

Youth Recreation – Councilman Sformo

We have been contacted by the County stating that we will be losing a small amount of money again this year. This will amount to about a 6% reduction from last year.

Human Resources/Benefits – Councilman De Wind

There was no report.

Parks/Land Acquisition – Councilman Arnold

Things are pretty much finished up for this year. We are hoping to get the grant situation finalized. There was discussion on running the waterline and electric into the park.

Regular Meeting

-4-

11/12/08

Intermunicipal, Economic & Community Development - Supervisor Tuttle

There was no report.

OLD BUSINESS

The newsletter has been mailed.

There was discussion on doing a local law allowing for providing of grant money to GCEDC. Mark Boylan has been contacted for his input.

NEW BUSINESS

None

PUBLIC PARTICIPATION

Aaron Swable was present to discuss the coal-burning inset he installed in his fireplace. He has been informed that he need to obtain a permit. An inspection would also be required at a cost of \$45. Is there any way of lowering that number? There was discussion with the Board.

RESOLUTIONS

On **MOTION** of Councilman De Wind, seconded by Councilman Arnold, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. ALL AYES - MOTION CARRIED

RESOLUTION #60 of 2008 – Acceptance of Project as Complete and recommending Final Payment – J. O’Connell & Associates, Municipal Solutions – WD #3

Regular Meeting

-5-

11/12/08

WHEREAS a Certificate of Substantial Completion was issued by Clark Patterson Lee dated March 28,2008 and executed by Clark Patterson Lee, Villager Construction Inc. and James H. Tuttle, Supervisor on behalf of the Town of Pembroke on or about March 25th, 2008; and

WHEREAS the administrative work having been completed by Municipal Solutions Inc., and J. O’Connell Associates; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board of the Town of Pembroke authorizes the Town Supervisor to make the final payments to Municipal Solutions Inc. in the amount \$1915.53, and J. O’Connell & Associates in the amount of \$7,500.00.

On **MOTION** of Councilman Arnold, seconded by Councilman Mallory, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. ALL AYES - MOTION CARRIED

RESOLUTION #61 of 2008 – Tax Collection Bond

RESOLVED that the Town Board of the Town of Pembroke approves the sum and form of the Performance Bond in the amount of \$500,000 for the tax collection for the year 2009.

On **MOTION** of Councilman De Wind, seconded by Councilman Arnold, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. ALL AYES - MOTION CARRIED

RESOLUTION #62 of 2008 – 2009 Budget Approval

WHEREAS the 2009 Town of Pembroke Preliminary Budget was presented at a Public Hearing on Wednesday, October 29, 2008; and

Regular Meeting

-6-

11/12/08

WHEREAS, as a result of the public hearing, there was an amendment to the preliminary budget. The expected pay increase will be 3% rather than the proposed 4%; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board approves the 2009 Budget as amended.

On **MOTION** of Councilman Arnold, seconded by Councilman De Wind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. ALL AYES - MOTION CARRIED

RESOLUTION #63 of 2008 – 2009 Joint Youth Program Participation

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's contribution to the Joint Youth Program for 2009 is \$12,000; **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 2009.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. ALL AYES - MOTION CARRIED

RESOLUTION #64 of 2008 – Acceptance of Project as Complete and Recommending Final Payment – Pembroke Business Park

WHEREAS, the Town of Pembroke entered into a contract with Western New York Concrete Corp. on October 8, 2007 for installation of a water main service from State

Regular Meeting

-7-

11/12/08

Route 5, south into the Pembroke Business Park approximately 570 linear feet of water main with valves, hydrants and appurtenances, inside the bands of Water District #1, necessary to make a complete system at a cost of \$58,682.00; and,

WHEREAS, the water line having been completed with a final inspection on July 30, 2008; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board of the Town of Pembroke accepts the water system on behalf of Pembroke Business Park and authorizes final payment.

This payment does not create additional expenses for the Town of Pembroke.

On **MOTION** of Councilman Arnold, seconded by Councilman De Wind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. ALL AYES - MOTION CARRIED

RESOLUTION #65 of 2008- Unexpended Sales Tax

WHEREAS the Pembroke Town Board wishes to help defray the cost of the 2009 County Tax burden to the residents of the Town of Pembroke; and

WHEREAS the Pembroke Town Board has determined there is excess unexpended sales tax revenue received in 2008; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board returns \$190,000.00 of sales tax revenue to the Genesee County Treasurer to be used to reduce the 2009 County Tax burden to all town property owners outside the Village of Corfu.

On **MOTION** of Councilman Arnold, seconded by Councilman Mallory, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Mallory, AYE; Councilman Sformo, NAY; Councilman DeWind, AYE; Supervisor Tuttle, AYE. 4 AYES 1 NAY – MOTION CARRIED

Regular Meeting

-8-

11/12/08

RESOLUTION #66 of 2008 – Transfer Funds From Surplus Monies

WHEREAS, during the present fiscal year, the Town of Pembroke has received town monies from sources other than loans in the amount of \$88,732.45, which are not otherwise committed or appropriated; **NOW, THEREFORE, BE IT**

RESOLVED that \$88,732.45 of said “surplus monies” be, and hereby is, transferred to General Fund – Townwide or appropriation account, and that the amount heretofore appropriated for such purpose be and hereby is increased to \$268,732.45.

On **MOTION** of Councilman Arnold, seconded by Councilman De Wind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. ALL AYES - MOTION CARRIED

RESOLUTION #67 of 2008 – Transfers

RESOLVED, that the Supervisor be authorized to make the following transfers:

FROM:	A1110.2	MUNICIPAL COURT – EQUIPMENT	4246.43
	A1110.401	MUNICIPAL COURT – CONT – O’CONNOR	1912.57
	A1110.402	MUNICIPAL COURT – CONT – ALEXANDER	1912.57
TO:	A1110.4	MUNICIPAL COURT – CONTRACTUAL	8071.57
FROM:	A1990.4	CONTINGENT ACCOUNT	642.73
TO:	A1220.4	SUPERVISOR – CONTRACTUAL	274.50
	A1220.44	SUPERVISOR – SCHOOL/CONFERENCES	368.23
FROM:	A1355.44	ASSESSMENT – SCHOOL/CONFERENCES	81.82
TO:	A1355.4	ASSESSMENT – CONTRACTUAL	81.82
FROM:	A1440.4	ENGINEER – CONTRACTUAL	6500.00
TO:	A1440.41	ENGINEER – GRANT WRITER	6500.00
FROM:	A1620.4	BUILDINGS – CONTRACTUAL	8128.88
TO:	A1620.2	BUILDINGS – EQUIPMENT	8128.88

Regular Meeting -9- 11/12/08

FROM:	A1680.2	CENTRAL DATA PROCESSING – EQUIPMENT	1061.72
TO:	A1680.4	CENTRAL DATA PROCESSING – CONTRACTUAL	1061.72
FROM:	A8160.4	CEMETERIES – PERSONAL SERVICES	160.00
TO:	A8810.1	CEMETERIES – PERSONAL SERVICES	160.00
FROM:	B1670.4	CENTRAL PRINTING & MAILING – CONTRACTUAL	34.00

TO:	B1660.4	CENTRAL SUPPLY – CONTRACTUAL	34.00
FROM:	B3620.44	SAFETY INSPECTION – SCHOOL/CONFERENCE	619.86
TO:	B3620.4	SAFETY INSPECTION – CONTRACTUAL	160.08
	B3620.41	SAFETY INSPECTION – INSPECTORS VOUCHERED	75.00
	B3620.43	SAFETY INSPECTION – MILEAGE	384.78
FROM:	B8020.44	PLANNING – SCHOOLS/CONFERENCES	16.48
TO:	B8020.4	PLANNING – CONTRACTUAL	16.48
FROM:	B1420.4	LAW – CONTRACTUAL	11194.35
TO:	B9050.8	UNEMPLOYMENT INSURANCE	6841.66
	B9060.8	HOSPITAL & MEDICAL INSURANCE	4352.69
FROM:	DA5130.2	MACHINERY – EQUIPMENT	13658.11
TO:	DA5142.4	SNOW REMOVAL – CONTRACTUAL	13658.11
FROM:	DB9030.8	SOCIAL SECURITY/MEDICARE	499.25
TO:	DB9060.8	HOSPITAL & MEDICAL INSURANCE	499.25

On **MOTION** of Councilman Sformo, seconded by Councilman Arnold, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. ALL AYES - MOTION CARRIED

Regular Meeting

-10-

11/12/08

RESOLUTION #68 of 2008 – Abstract #11 of 2008

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

WHEREAS this payment is within the normal scope of the 2008 working budget, and creates 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 #11 of 2008.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, to adjourn the meeting at 8:26 P.M.

ALL AYES – CARRIED.

Respectfully submitted,

Andrea M. Davis, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF NOVEMBER 12, 2008 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.