MINUTES of the Regular Meeting of the Pembroke Town Board held on February 11, 2009 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

OTHERS PRESENT: Andrea Davis, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Michael Herec, Planning Bd. Vice Chairman; Chris Suozzi, GCEDC; Richard Doktor; Davis Lamkin; John Good; Aaron Swable; Edward Beideck; Michael Lewis; Scott Waite; and David Drozdiel.

PUBLIC HEARING
GRANT OF PUBLIC FUNDS TO GCEDC

The Public Hearing for Local Law #1 of 2009 was called to order at 7:00 P.M. Andrea Davis read the Notice of Public Hearing as printed in the Daily News as well posted on the Town's bulletin board, and that she had the Affidavit of Posting, Notice to Adjoining Municipalities; and the Certification of Distribution to Board Members.

Supervisor Tuttle explained that this public hearing is about a grant that we are going to do in connection with the Genesee County Economic Development Center (GCEDC) which follows along the same lines as the one that the Town of Pembroke did a few years ago (the southwest side of Routes 5 & 77). It is a granting of funds to help develop the site and get it shovel ready; it is not for the purpose of purchasing the property.

The floor was opened to Edward Beideck who said that he had several questions.

- What has happened to Project Big? Mr. Suozzi replied that the project is still active but waiting on the economy to improve.
- Will it be an Empire Zone? There are still several questions to be answered, i.e. residents that are grandfathered in.
- Has the property been purchased? An extension to the purchase date is in place.
- What will the grant monies be specifically used for? $250,000 will be used for engineering and $150,000 will be used for the left-hand turning lane.
- Did the Town Attorney (this was specific in the first project) say that it was OK to give them the money before the purchase? Supervisor Tuttle said that he understood what

Mr. Beideck meant; certain steps need to be taken before giving them the money.

Mr. Beideck said that he was slightly concerned about the economy, the empire zone, and taking this property off the tax roll and then letting it set for years. Mr. Suozzi said that there are two (2) factions that consider this to be a prime #1 site.

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John Good asked about the timeframe from the study until shovel ready; Mr. Suozzi said that it is estimate to be about 2010.

Mr. Suozzi was asked if they had any solid leads on anybody coming in; he stated that he had leads but nothing specific.

Michael Lewis expressed concern that we are looking for economic growth and not about the Town itself. He feels that if the area is so good then the businesses would be coming to us. His thoughts are that we should finish the park rather than put $400,000 into a piece of land on the speculation that the economy will turn around and in the mean time we don't have a park for the kids.

Edward Beideck stated that he was in favor of this project but just wanted to be sure we did it right.

On **MOTION** of Councilman Arnold, seconded by Councilman Mallory, to close

the Public Hearing at 7:37 P.M.
ALL AYES - MOTION CARRIED.

Everyone being heard that wished to be heard the public hearing was declared closed.

Supervisor Tuttle called the Regular Monthly meeting to order at 7:38 P.M.

Deborah Conti gave the invocation.

Supervisor Tuttle led the Pledge to the Flag.

Supervisor Tuttle asked for a MOTION to approve the Minutes of the January 6th Organizational Meeting, the January 14th Regular Meeting; the January 21st Workshop and the February 5th Bid Opening.

Councilman Sformo asked that the Workshop minutes be amended to indicate that Town Attorney Mark Boylan was present.

On **MOTION** of Councilman Arnold, seconded by Councilman De Wind to approve the Minutes of the January 6th Organizational Meeting, the January 14th Regular Meeting, the January 21st Workshop as amended, and the February 5th Bid Opening.
ALL AYES – MOTION CARRIED

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DEPARTMENT REPORTS

ASSESSOR

Mrs. Conti requested permission for training for Nancy Mandolene from March 2

– 30, an online course, on data collection. She will then travel to Batavia for two (2) days for additional training and a test. This is the next level of the training she has to date. There is no cost.

ZONING & CODES ENFORCEMENT

There was no report.

HIGHWAY

The salt barn is down; additional salt and sand have been purchased to get us thru the rest of the winter.

Mr. Stocking reported on the results of the bid opening.

TOWN CLERK

- The Town Clerk's monthly report for January was submitted and filed.
- The tax collection is going well with a minimum of problems.
- Would like permission to attend Town Clerk's Conference in Rochester in April.

PLANNING BOARD

- There was no January meeting.

Mr. Herec has continued to Chair the Planning Board in Mr. Kutter's absence. He reported that not much has been happening. We have a Special Use Permit pending that is at County Planning. The next meeting is March 4th and we have a couple of items that will be for discussion.

ZONING BOARD OF APPEALS

- There was no meeting in January.
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JUSTICES

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

SUPERVISOR

- The Supervisor's January report has been submitted and filed.
- We are just about ready to close out the 2008 books so we can start out 2009.
- A report from Allan Starkweather, Co-Historian, which outlined the events of 2008, was read.

COMMITTEE REPORTS

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

Councilman Arnold reported that Mr. Munger was getting things together for our annual audit; and, everything looks ok.

Building & Ground – Councilman Mallory

Councilman Mallory met with Bob Osborne, Spring Creek Electric, regarding the lights at the Community Center. He suggested that the existing lights be replaced with ones that are more energy efficient. The cost would be $1,600; and, he feels that the one on the front of the fire hall should be replaced at the same time. This would cost approx. $90. The lights should stay on all night for security reasons, i.

e. to deter vandalism, etc. The new type of lights would cost less to operate.

The doors into the Courtroom and Village offices are not in compliance with handicap laws. We have two (2) responses out of the three (3) bid requests; one is from Dave Hennig at $10,610 and the other bid is about $4,000 more. We have not been successful in obtaining a third bid.

Councilman Sformo stated that there was an engineer involved and he should be asked what type of lighting we need back there. See if he will come down and give his recommendation. He also agreed that the doors need to be fixed but $10,000 is a lot of money. Councilman Mallory said that two (2) contractors looked at the situation and came up with the same solution.

Councilman Sformo asked what is to be done with the old doors; Councilman Arnold said that they would be advertised for sale in the paper.

Highway/Assessment/Court – Councilman Mallory

There was no report.

Planning, Zoning, Code Enforcement – Councilman Arnold

Councilman Arnold said that he had about 17 messages forwarded to him; four (4) were for inspections. He has been in touch with Clint Worthington, but, there has not been any feedback from Mr. Worthington or the residents.

The fire codes are coming up for renewal at cost of $780. Supervisor Tuttle said that we have a NFPA Code book, but is not sure if we need both. Clint Worthington will be contacted for this information. Supervisor Tuttle asked, if Mr. Worthington says that we do need both, is everyone in agreement to buy them; the Board agreed to the purchase.

Councilman Arnold reported that there is one person looking at doing a new

addition.
Mr. Worthington was concerned about this; he has no problem with assisting us with doing inspections but does not want to go into blueprints, etc. Councilman Arnold asked if anybody had any ideas how we can help the residents, i.e, thru the Village, etc. Supervisor Tuttle reminded the Board that we did not have that type of an agreement with the Village; any agreement we have is one that allows us to do work for the Village; not for them to do work for us.

Supervisor Tuttle said that he has received a call from Civil Service informing him that the Civil Service exam for Zoning/Building Compliance Officer will be given on May 30th. The applicants for this position have been instructed to take their credentials to Civil Service to be sure that they qualify to take the test. Councilman Arnold said that he has been in contact with Debbie Seymour of Civil Service and we need to look at how we have that written; there are four (4) different classifications and a couple look as if they would fit our needs. Supervisor Tuttle stated that they are the ones that gave us the job description we are working with.

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

Four (4) letters have been received regarding the Phelps Road water line; two (2) against and two (2) in favor of the water.

Youth Recreation – Councilman Sformo

There was no report.
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Human Resources/Benefits – Councilman De Wind

Councilman De Wind reported that Councilman Arnold has been in contact with a company he has for insurance for this year. He will call them to see if they are close to the numbers we are looking at. Supervisor Tuttle said that Mr. Georger called for information regarding the number of employees, etc. This is needed to get a quote from Independent Health.

Parks/Land Acquisition – Councilman Arnold

There was no report.

Intermunicipal, Economic & Community Development

There was no report.

OLD BUSINESS

We were encountering problems with the server backing up. It was determined that our problem was due to the tapes being old. We did not realize, nor were we informed, that the lifespan was so short. The cartridges and tapes are to be replaced on a regular basis. Different options were discussed and a cost comparison done. Supervisor suggested that we start a fund and add a few thousand dollars each year so that in five (5) years we could replace the equipment.

Councilman Sformo asked where the information came from regarding the tapes, etc; Supervisor Tuttle said that it came from Paul Marchese. He then asked what the problem was with Alternative and was told that we found them to be unreliable and their costs were higher. It was further stated that there was duplicate antivirus programs on the same computer; the entire I Drive was left unprotected from deletion; unnecessary drives; and other concerns. Councilman Sformo suggested that Alternative come out here to look at these issues.

Councilman De Wind asked that this matter be tabled. The Board agreed that we should have someone in to discuss this matter.

David Drozdiel was present to meet the Board. Mr. Drozdiel is one of the three Court Security Officers that will be retained by the Court.

Mike Lewis was present to speak to the Board regarding his interest in the position and the selection process.

Supervisor Tuttle explained that, when the first call was made we were just in the preliminary stages of putting someone in the court. Originally the Board wanted to go with Police Officers.

Councilman Sformo said that he has always been interested in using Constables for this job since they were already employed by the Town; and, he didn't think that the Board agreed to use police officers.

Councilman De Wind stated that he still feels that it should be police officers, besides, the Court Officer is hired by the Justices.

The Board agreed that the Town should renew the contract with the Exterminator to do both buildings.

PUBLIC PARTICIPATION

There was no public participation.

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 #7 –Highway Equipment Bid Award

RESOLVED, that the Town Board authorizes the Highway Superintendent to

award the bid for the purchase of one (1) heavy duty hoist, body, snowplow, push plates and equipment to Valley Fab & Equipment for a total cost of $64,772.00

On **MOTION** of Councilman Sformo, 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

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RESOLUTION #8 of 2009 –Town Clerk Conference Attendance

WHEREAS Andrea Davis, Town Clerk, is requesting permission to attend the NYS Town Clerks Assoc. Annual Conference April 26 – 29, 2009 in Rochester; and

WHEREAS monies for this Conference are in the 2009 budget; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board grants permission to Andrea Davis, Town Clerk, to attend the above mentioned Conference.

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 #9 of 2009 – Assessor's Clerk Training

WHEREAS Nancy Mandolene**,** is requesting permission to attend a NYS training session on an in-house basis and then attend a two (2) day training session at County Building #2 for the purpose of data collection instruction; and

WHEREAS mileage monies for this training are in the 2009 budget; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board grants permission to Nancy Mandolene to participate in the above mentioned Training.

On **MOTION** of Councilman De Wind, 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 #10 of 2009 – Accept Repair Bid

WHEREAS the doors into the Courtroom and Village offices are not in compliance with handicap laws; and

WHEREAS we have received responses from two (2) of the three (3) bid requests; **NOW, THEREFORE BE IT**

RESOLVED; that the contract be awarded to Dave Hennig, low bidder, at a cost of $10,610.

On **MOTION** of Councilman Mallory, 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 #11 of 2009 – Accept Lighting Repair Bid

WHEREAS the lighting at the Courtroom and Village offices is in need of repair; and

WHEREAS we have received bid for the needed repairs; **NOW, THEREFORE BE IT**

RESOLVED; that the contract be awarded to Robert Osborne, Spring Creek Construction, at a cost of $1,170.

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 #12 of 2009 – Abstract #15 of 2008 and Abstract #2 of 2009

RESOLVED, that the Supervisor be authorized to pay all claims of Abstract #15 of 2008 and Abstract #2 of 2009 General and Highway.

On **MOTION** of Councilman Arnold, second by Councilman Mallory to enter into Executive Session to discuss a personnel matter.
ALL AYES - **MOTION CARRIED**
TIME 8:50 P.M.

On Motion of Councilman De Wind, second by Councilman Mallory to close the Executive Session and reconvene into regular session.
ALL AYES – **MOTION CARRIED**
TIME: 10:31 P.M.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, to adjourn the meeting at 10:31 P.M.
ALL AYES – CARRIED.

Respectfully submitted,

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Andrea M. Davis, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF FEBRUARY 11, 2009 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.

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