

MINUTES of the Regular Meeting of the Pembroke Town Board held on March 14, 2007 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

OTHERS PRESENT: Andrea Davis, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; and Richard Reeves, Zoning Enforcement Officer; Lynn Schafer; and Aaron Swable.

Deborah Conti gave the invocation.

Supervisor Beideck led the Pledge to the Flag.

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

On **MOTION** of Councilman Arnold, seconded by Councilman De Wind, to approve the Minutes of the February 9th Workshop, the February 14th Regular Meeting, the Water District #3 Public Hearing of February 28th, the Special Meeting of February 28th; and the Bid Opening of March 13th .

ALL AYES – MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR

Mrs. Conti reported that the County has received their grant for the commercial factor file that they applied for. There is a \$0 cost to the Town.

PLANNING BOARD

Minutes of the February 28th meeting (held March 7th) submitted and filed.

ZONING BOARD OF APPEALS

Minutes of the February 12th meeting submitted and filed.

ZONING AND CODES

Zoning and Codes monthly report for February has been submitted and filed.

ZONING ENFORCEMENT OFFICER

Zoning Enforcement Officer's monthly report for February has been submitted and filed. Mr. Reeves reported on the last two (2) cases he had.

HIGHWAY

- The cost of the blacktop for the parking lot will be coming soon.
- The trip to Albany regarding the CHIPs monies was reported on.
- We have been referred to Oakfield regarding information on the speed signs.
- The proposed guard railing on Phelps Road was reported on.

JUSTICES

The Justices' monthly reports for February have been submitted and filed. Supervisor Beideck reviewed the reports for the Board.

TOWN CLERK

Town Clerk's monthly report for January has been submitted and filed.

- Three (3) Inspectors have been retained for the Water District Vote.
- Local Law #1 of 2007 – ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE has been received in Albany.
- The server and the new equipment are working well.
- Information has been received regarding the forthcoming Local Government Conference to be held at Houghton College May 2nd.

SUPERVISOR'S REPORT

The Supervisor's monthly report for February has been submitted and filed.

Supervisor Beideck reported the following:

- The Municipal Shared Services Agreement has been signed and filed in the Town Clerk's Office.
- The bid opening was held regarding the building renovations. Carl Schoenthal will review the bids and there will be an award subject to a 30 day permissive referendum.
- Last week letters were sent out to the residents in the proposed Water District #3 as well as the legal notice being posted. Once the vote is held the final application for grant monies will be filed.
- Wind Energy – the updated Comprehensive Plan will be completed before addressing the wind law. We will be doing a resolution calling for a public hearing at next months meeting calling for a 9-month extension of the moratorium currently in place.
- The next GAM Meeting is tomorrow night at the Bethany Community Center.
- A meeting was held with the employees regarding health insurance. Supervisor Beideck reviewed the costs and comparisons.
- The Auditors are here this week to conduct the annual audit. They will be at the Court tomorrow.
- A letter has been received from School Superintendent Mix asking if we would share the cost of a flashing speed sign. The Auditor said that it is a legitimate expense for the safety of the children.

COMMITTEE REPORTS

Audit, Finance, Insurance, Investment, & Purchasing

Councilman Arnold had no report.

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Building & Ground

Councilman Mallory stated that several times late at night he has found the doors unlocked at the Community Center. There was discussion on how to secure the Center.

Highway/Assessment/Court

Councilman Mallory had no report.

Planning, Zoning, Code Enforcement

Councilman Arnold said that he spoke with Dale Bremiller who is doing a job description for the Inspector position. The Town Clerk will be contacted regarding doing an ad.

Intermunicipal

Councilman Sformo had no report.

Public Services, Water, Sewer, Refuse/Recycling

Councilman De Wind stated that all appears to be ready for the vote for Water Dist. #3.

Youth Recreation

Councilman Sformo reported that Donna Fix has agreed to take over the Director position next year. Mrs. Kruger will stay on this year to train her.

Human Resources/Benefits

Councilman De Wind had no report.
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Parks/Land Acquisition

Councilman Arnold stated that he will be contacting Jeff Kohl as soon as the weather allows work in the park.

Economic & Community Development

Supervisor Beideck said that a public hearing was held regarding the proposed Comprehensive Plan revisions. There were many good points made during the meeting. The Board, the Planning Board, and the Steering Committee should meet to discuss what transpired.

PUBLIC PARTICIPATION

There was no public participation.

RESOLUTIONS

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 De Wind, AYE; Supervisor Beideck, AYE.

ALL AYES - MOTION CARRIED

RESOLUTION #30 of 2007 – Local Law #2 of 2007 – Wind Energy Moratorium Extension

WHEREAS the Town Board of the Town of Pembroke adopted Local Law No. 4 of 2006, which established a nine month Moratorium commencing August 19, 2006, temporarily prohibiting the project review, issuance of permits or construction of any wind powered electrical generating facilities within the Town of Pembroke, except for a farm related “Wind Energy Conservation System (Production Model); and

WHEREAS the purpose of said Moratorium was to allow Town Officials to engage in deliberate research, review and discussion of issues in this area to ensure that wind powered electrical generating facilities of whatever type conform with the Town’s Comprehensive Plan and that the Town’s Land Use Regulations are adequate in this regard; and

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WHEREAS the Town Officials need additional time after May 19, 2007 to engage in such deliberate research, review and discussion; and,

WHEREAS the Town Board now wishes to extend the said Moratorium an additional nine months commencing May 19, 2007, by further amending its Zoning Law as set forth in attached proposed Local Law No. 2 of 2007; **NOW, THEREFORE, BE IT**

RESOLVED, as follows:

1. That the said proposed Zoning Law Amendments extending the said nine month Moratorium for nine months as set forth in attached proposed Local Law No. 2 of 2007 are hereby referred to both the Town of Pembroke Planning Board and the County of Genesee Planning Board for their review and recommendation.
2. That a Public Hearing be held before the Town Board on said Zoning Law Amendment as described in attached proposed Local Law No. 2 of 2007, which Public Hearing shall be held on April 11, 2007 at 7:00 P.M. at the Pembroke Town Hall; and

3. That the Town Clerk prepare and timely publish a Notice of such Public Hearing in the Daily News and otherwise serve the same as required by law.

LOCAL LAW NO. 2 OF THE YEAR 2007
OF THE
TOWN OF PEMBROKE

1. The Zoning Law of the Town of Pembroke known as Local Law No. 1 of 1991, as thereafter amended by Local Law No. 3 of 1992, Local Law No. 2 of 1993, Local Law No. 1 of 1995, Local Law No. 2 of 1995, Local Law No. 2 of 1996, Local Law No. 1 of 1997, Local Law No. 1 of 2000, Local Law No. 4 of 2000, Local Law No. 1 of 2002, Local Law No. 1 of 2003, Local Law No. 2 of 2003, Local Law No. 1 of 2005, Local Law No. 2 of 2005, Local Law No. 3 of 2005, Local Law No. 2 of 2006, and Local Law No. 4 of 2006 is hereby further amended by enacting a nine (9) month extension of the existing one year Moratorium heretofore adopted as Local Law No. 2 of 2007, which became effective on August 19, 2006, so as to further temporarily prohibit the project review, issuance of permits or construction of any wind powered electricity generated facilities within the Town of Pembroke except for a farm related “Wind Energy Conversion System (Production Model)” as defined in ARTICLE 1,

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SECTION 106 of the Town of Pembroke Zoning Law added by Local Law No, 1 of 2005.

2. This extension of the existing one year Moratorium is necessary to preserve and protect the health and safety and welfare of the residents of the Town of Pembroke, its agricultural resources, and to enable town officials to continue to comprehensively address the issues involved with the development of residential, agricultural commercial and industrial wind powered electricity generating facilities. If development of this type of facility were allowed to proceed during the duration of the Moratorium as extended, irreversible damage to the health and safety of resident, adverse environmental impacts, and/or development that does not conform with the Town’s comprehensive plan may occur. This Moratorium extension will allow town officials to continue to engage in the deliberate research, review and discussion of issues in this area to ensure that wind powered electrical generating facilities of whatever type, 1) conform with the Town’s comprehensive plan, and 2) that the Town’s land use regulations are adequate in this regard.
3. The existing Moratorium adopted as Local Law No. 2 of the Year 2005 and amended as Local Law No. 4 of 2006 shall be extended for a period of nine (9) months commencing May 19, 2007.
4. In the event affected landowner(s) wish to seek relief from this Moratorium, they may apply, through the Code Enforcement Officer, to the Town of Pembroke Zoning Board of Appeals.

5. Any violation of the Local Law shall be subject to the provisions of Section 709 of the Zoning Law of the Town of Pembroke.
6. If any Section, sentence, clause or phrase of this Local Law is held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining unaffected provisions shall remain in full force and effect.
7. This Local Law shall become effective upon its filing with the New York Secretary of State.

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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 De Wind, AYE; Supervisor Beideck, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION #31 of 2007 – Grant & Loan Funds for Water District #3

WHEREAS the Pembroke Town Board is completing a full application for Grant and Loan Funds for proposed Water District #3 from Rural Development; and

WHEREAS the application and documents require the authorization and signature of a Town Official; **NOW, THEREFORE, BE IT**

RESOLVED that Supervisor Edward Beideck be authorized to sign all appropriate documentation for grant and loan applications with Rural Development.

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 De Wind, AYE; Supervisor Beideck, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION #32 of 2007 – 2007 Medical Coverage

WHEREAS the Pembroke Town Board wishes to change its medical insurance coverage to keep costs under control; and

WHEREAS the Pembroke Town Board wishes to continue offering a Community Blue and Independent Health Plan for qualified employees; **NOW, THEREFORE, BE IT**

RESOLVED:

- 1) Each full-time employee receiving health insurance coverage will receive \$700 for the year April 1, 2007 – March 31, 2008 to their medical savings account.

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- 2) Community Blue HMO 206/206 Plus and Independent Health Encompass D be the programs available to qualified employees for one (1) year beginning April 1, 2007 – March 31, 2008.
- 3) The Supervisor be authorized to sign appropriate documents for the Community Blue HMO 206/206 Plus and Independent Health Encompass D Program for one (1) year, beginning April 1, 2007 – March 31, 2008.

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 De Wind, AYE; Supervisor Beideck, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION #33 of 2007 – Electronic Speed Control Device

WHEREAS the Pembroke Central School District is requesting the Town to share the cost of installing flashing electronic speed control devices at the Pembroke High School on Route 77; and

WHEREAS the total cost is approximately \$14,000; and

WHEREAS the Pembroke Town Board agrees with the Pembroke Central School District that their installation is a good thing to help protect the children attending the Pembroke Central High School; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board appropriate no more than \$7,000 to help defray the expense of installing these devices; and **BE IT FURTHER**

RESOLVED that the Town of Pembroke will have no liability or involvement with the actual installation and operation of these devices.

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 De Wind, AYE; Supervisor Beideck, AYE.

4 AYES – 1 NAY **MOTION CARRIED**

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RESOLUTION #34 of 2007 – Town Hall Renovation Bid Awards

WHEREAS the Town Board requested bids for interior renovations and electrical work at the Town Hall; and

WHEREAS bids were received at 10:00 A.M., March 13, 2007; and

WHEREAS the apparent low bid submitted for General Contracting was Tower Contracting Co., 14454 East Countyhouse Rd., Albion N.Y. in the amount of \$69,500; and

WHEREAS the apparent low bid submitted for electrical work in the amount of \$19,900 from Concord Electrical, Rochester, NY; **NOW, THEREFORE, BE IT**

RESOLVED that:

- 1) Contract awards shall be subject to a 30-day permissive referendum for financing the project from the Town's Building Reserve Account.
- 2) Apparent low bidders Tower Construction Co. and Concord Electrical will be awarded the contracts for the subject work subject to review of bids and recommendation of the Town Engineer.
- 3) That the Supervisor be authorized to sign the Notice of Award, contracts authorizing this work, and Notice to Proceed subject to the 30-day permissive referendum for financing and Town Engineer recommendation referred to.

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 De Wind, AYE; Supervisor Beideck, AYE.

4 AYES – 1 NAY **MOTION CARRIED**

RESOLUTION #35 of 2007 – Interior Renovation/Bldg. Reserve Fund

WHEREAS the Town Board has asked for and received bids for interior renovation work at the Town Hall; and

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WHEREAS it is the desire of the Town Board to finance these renovations from the Town Building Reserve Account; **NOW, THEREFORE, BE IT**

RESOLVED that the Supervisor be authorized to finance this project from the Building Reserve Fund set aside for such purposes; and, **BE IT FURTHER**

RESOLVED that the amount not to exceed \$100,000 be used from the Building Reserve Fund subject to a 30-day Permissive Referendum.

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 De Wind, AYE; Supervisor Beideck, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION #36 of 2007 – Transfers

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

FROM:	A1680.1 Data Processing Svcs.	\$1,012.00
TO:	A1680.2 Data Processing Equipment	1,012.00

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 De Wind, AYE; Supervisor Beideck, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION #37 of 2007 – Abstract #3 of 2007

RESOLVED, that the Supervisor be authorized to pay all claims of Abstract #3 of 2007 General and Highway:

GENERAL A	V 92 – 96	Prior Paid	\$ 2,771.72
	V 97 – 129		<u>40,965.60</u>
		\$ 43,737.32	
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PART TOWN B	V 91	Prior Paid	\$ 840.00
	V 130 – 133		<u>11,027.64</u>

\$ 11,867.64

HIGHWAY DA	V 14 – 32	\$ 27,207.39
	V 29 – 30 – 32	<u>2,612.26</u>
		\$ 29,819.65

TOTAL ABSTRACT \$ 85,424.61

On **MOTION** of Councilman Sformo, seconded by Councilman Arnold, to adjourn the meeting at 7:45 P.M.
ALL AYES – CARRIED.

Respectfully submitted,

Andrea M. Davis, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF
MARCH 14, 2007 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY
THE TOWN BOARD.