MINUTES of the Regular Meeting of the Pembroke Town Board held on May 13, 2009 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: James H. Tuttle, Supervisor
E. James Mallory, Councilman
Edward Arnold, Jr., Councilman

ABSENT: Peter Sformo, Councilman
Gary DeWind, Councilman

OTHERS PRESENT: Andrea Davis, Town Clerk; Deborah Conti, Assessor; Tom Schneider, ZBA Chairman; and Scott Waite.

PUBLIC HEARING
LOCAL LAW #2 OF 2009

The Public Hearing for Local Law #2 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 the purpose of proposed Local Law #2 of 2009 is only to change grammatical and typographical errors in the existing law. There are no changes being made to the contents of the Zoning Law.

The floor was opened to the Public and the Board for question or comments. No one spoke at this hearing.

On **MOTION** of Councilman Mallory, seconded by Councilman Arnold, to close the Public Hearing at 7:05 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 7:05 P.M.

Deborah Conti gave the invocation.

Supervisor Tuttle led the Pledge to the Flag.

On **MOTION** of Councilman Arnold, seconded by Councilman Mallory, to approve the Minutes of the April 6th Public Hearing, the April 8th Public Hearing and Regular Meeting; and the April 22nd Workshop.
ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR

Mrs. Conti reported that Grievance Day is being held on May 26th. Only two (2) people have picked up an application.

ZONING & CODES ENFORCEMENT

There was discussion on a Brown Road property matter.

HIGHWAY

- The brush pickup is complete.
- The plow equipment has been cleaned and painted.
- The new truck will be ready soon. When it arrives than the old truck will be put out for bid.
- Starting the roadside mowing and cleanup.

TOWN CLERK

- The Town Clerk's monthly report for April was submitted and filed.
- The Newsletter has gone out, and we have received some compliments on it.
- We are beginning the dog enumeration. The cards will go out soon.
- A report of the Town Clerk's Conference is being prepared.

PLANNING BOARD

- Minutes for the April meeting have been submitted and filed.

ZONING BOARD OF APPEALS

- Minutes for the April meeting have been submitted and filed.
- Only had one (1) area variance last month.

JUSTICES

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

SUPERVISOR

- The Supervisor's April report has been submitted and filed.

- Correspondence has been received from:

1. Mark Boylan regarding the school and their drainage system into the park.
2. We have received Mike Herec's letter of resignation from the Planning Board.
3. Frey Well Drilling has received the permits needed and have commenced drilling on the Chittenden and Mroz properties.
4. The correspondence from Donna Schafer regarding her land separation has been sent to Mark Boylan.

5. We have received a announcement from the NYS Emergency Management Office
regarding a Public Assistance Workshop.

COMMITTEE REPORTS

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

There was no report.

Building & Ground – Councilman Mallory

Councilman Mallory reported that there are six (6) tables missing from the Community Center. There is a function being held this weekend that needs to be able to seat at least 100 people, but the tables left will only accommodate 80.

It is still leaking around the air conditioner. We are waiting for Chittenden & Dylag to call back.

Everyone seems to be ok with the lights that have been installed.

The metal detector is working fine. They have detected such things as large knives, taser guns, box cutters, and pepper spray.

A representative from Keeler's has requested a place to park their equipment during the construction on Route 77. They will be willing to give us some millings for allowing them to do this.

Highway/Assessment/Court – Councilman Mallory

There was no report.

Planning, Zoning, Code Enforcement – Councilman Arnold

There was no report.

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

Councilman De Wind discussed the water going into the park. Both the water and the electrical are in the works; we have to install a water restrictor. The water portion of the project has to go thru the Water Authority and then go thru the Genesee Co. Health Dept.

Youth Recreation – Councilman Sformo

There will be a meeting tomorrow night of the Youth Rec. Committee.

Human Resources/Benefits – Councilman De Wind

There was no report.

Parks/Land Acquisition – Councilman Arnold

Some of the soccer nets are up; bleachers are down there; and the Tiny Tot playground material has been unloaded. Councilman Sformo said that the paint has been ordered for the parking lot. He also said that he would like to see the police patrol the area. This will be discussed further at the Workshop.

Intermunicipal, Economic & Community Development – Supervisor Tuttle

We would like to start promoting the Community's businesses more. It was mentioned in the Newsletter that the businesses should contact us so we can include them on our website. Supervisor Tuttle would like to see us take out a full two (2) pages in the Chamber of Commerce Tourist book, and get as many businesses listed there as we can. There would be no charge to the customer. We would be promoting the Town from within the Town.

OLD BUSINESS

Councilman Arnold said he would like a letter sent to Michael Lewis advising him that he has been reappointed as Constable.

PUBLIC PARTICIPATION

Scott Waite indicated that he is still concerned about Paul Di figlia's property and wanted to know if anything further is being done. He is living on the property in a travel trailer, and the assessment is low for what it is. Is there anything that can be done? Supervisor Tuttle said that this matter was discussed at the last workshop; as soon as the new Zoning person starts we will look into the legalities.

Councilman Arnold asked what he saw that was troublesome; Mr. Waite said that the house and the barn are still standing and he should be assessed at full value. Mr. Waite stated what he felt were the discrepancies in the assessment.

RESOLUTIONS

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 #30 of 2009 – Adoption of Local Law No. 2 of the Year 2009

WHEREAS a pubic hearing was scheduled to be held by the Pembroke Town Board at a regular meeting on May 13, 2009 at the Pembroke Town Hall, 1145 Main Road in said
Town at 7:00 P.M. pursuant to a Notice of Public Hearing, published in The Daily

News
on May 6, 2009, and posted on the sign board at the Pembroke Town Hall, on a proposed Local Law amending the Zoning Law of the Town of Pembroke originally adopted as Local Law No. 1 of the Year 1991, as thereinafter amended; and

WHEREAS a public hearing was held at the regular meeting of the Town Board on May 13, 2009; and

WHEREAS both the Town of Pembroke Planning Board and the Genesee County Planning Board have recommended enactment of such Zoning Amendment; and

WHEREAS such Zoning Law Amendment conforms with the Comprehensive Plan of the Town Board of the Town of Pembroke; and

WHEREAS the members of the Town Board have had said Local Law No. 2 of the Year 2009 in final form for the period required under Section 20 of the New York Municipal Home Rule Law; and

WHEREAS the Town Board of the Town of Pembroke, after due deliberation, finds it in the best interest of the Town to adopt said Zoning Law Amendment; **NOW, THEREFORE, BE IT**

RESOLVED:

The Zoning Law of the Town of Pembroke known as Local Law No. 1 of 1991, as thereinafter 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, Local Law No. 4 of 2006, Local Law No. 2 of 2007, and Local Law No. 3 of 2007, and Local Law No. 4 of 2007, Local Law No. 1 of 2008, and Local Law No. 2 of 2008 is further amended by Local Law No. 2 of 2009 and is hereby adopted, a true copy of which is attached hereto and made a part of this Resolution.

1. That the Town Clerk enter this Resolution and said Local Law in the Minutes of the meeting and also enter said Local Law in the Local Law

Records Book of the Town of Pembroke; and

2. That the Town Clerk have a summary of this Local Law published in the Daily News and also posted on the Town's sign board at the Pembroke Town Hall; and

3. That the Town Clerk forward a certified copy of this Local Law to the New York Secretary of State for filing at the New York Department of State.

LOCAL LAW #2 0F 2009

The Zoning Law of the Town of Pembroke known as Local Law No. 1 of 1991, as thereinafter 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, Local Law No. 4 of 2006, Local Law No. 2 of 2007, and Local Law No. 3 of 2007, Local Law No. 4 of 2007, Local Law No. 1 of 2008, and Local Law No. 2 of 2008 and is hereby further amended by Local Law No. 2 of 2009 as follows:

Town of Pembroke

Contractor's Yard (Local Law No. 1 of 2008)

- Section 518, D should read as "Before use, the equipment and materials storage **area**…" Area is not spelled correctly.

Wind Energy Systems (Local Law No. 3 of 2007)

- Needs a section number to be added---this should be section 520
- Definitions---should read as (To be added to definitions section of the Town of Pembroke **Zoning Law**)
- First paragraph, last sentence---"…with any existing **local law.**" Please remove the words ordinance or.

- Second paragraph last sentence---remove ordinance and change to Zoning Law.
- A. 3, revise so that this reads as zoning law. Remove ordinance
- C. first sentence, same as above
- G. Height---second to last sentence, "…through incentive zoning provisions described in Article **X** of this **Law** pending Town Board approval." As with the previous recommendations, remove ordinance from this sentence.
- Severability---Should read as "The provisions of this section are severable, and the invalidity of any section, subdivision, paragraph, or **OTHER** part of this Zoning **Law** shall not affect the validity or effectiveness of the remainder of the Zoning **Law**. Please remove ordinance.

Incentive Zoning (Local Law No. 4 of 2007)

- Needs an article number to be added---this should be article X
- Section 3, B should read as "These amenities shall be in addition to any mandated requirements pursuant to other provisions of the **Zoning Law**." Please remove ordinance.
- Section 4, E should read "Any other changes in the provisions of the **Zoning Law**." Please remove ordinance.
- Section 5, B (a) third line should read as "...meeting the requirements of the **Zoning Law.**" Please remove ordinance.
- Section 5, B (2) should read as "The second sketch plan should meet the requirements of the **Zoning Law** for Site Plan Review…" Please remove ordinance.
- Section 5, B (3) third sentence should read as "…and plans as may be required under other sections of the **Zoning Law**…" Please remove ordinance.
- Section 5, H Please remove ordinance throughout this section so that Zoning Law is all that remains.

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 #31 of 2009 – Municipal Agreement – County of Genesee

WHEREAS, the Town of Pembroke wishes to enter into an agreement with Genesee County for Dog Shelter Services; **NOW, THEREFORE, BE IT**

RESOLVED, that Town Board of the Town of Pembroke, hereby authorizes the Supervisor to execute an intermunicipal agreement under Article 7 of the Agriculture & Market Law between the Town of Pembroke and Genesee County for Dog Shelter Services.

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 #32 of 2009 – Appointment of Matthew Van Vessem, Esq.

RESOLVED that the Town Board of the Town of Pembroke hereby appoints Matthew C. Van Vessem, Esq. as Special Counsel to the Town on an as needed basis with an hourly rate of $175.00 and hereby authorizes the Supervisor to execute a corresponding retainer agreement that reflects his understanding.

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 #33 of 2009 – Appointment of Shellie Dale-Hall

WHEREAS, the Town of Pembroke desires to appoint one (1) part-time person to carry out the duties and responsibilities of the Zoning Enforcement Officer/ Codes Enforcement Officer; **NOW, THEREFORE, BE IT**

RESOLVED that the Town of Pembroke here by appoints Shellie Dale-Hall to the position of Zoning Enforcement Officer/ Codes Enforcement Officer effective May 13, 2009.

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 #34 of 2009 – Purchase Town Park Playground equipment

RESOLVED that the Town Board of the Town of Pembroke authorizes the payment of
$38,166.74 to Universal Play Systems for the purchase of park playground equipment.

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 #35 of 2009 – Purchase Town Park Bleachers

RESOLVED that the Town Board of the Town of Pembroke authorizes the payment of $9,930.00 for the purchase of soccer goals & bleachers from Sport Supply Group Inc. to be installed in the Pembroke Town Park.

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 #36 of 2009 – Transfer of Unexpended Funds

WHEREAS, The Town of Pembroke in it's efforts to work jointly with the Genesee County Economic Development Agency to develop industrial growth within the boundary's of the Town of Pembroke, and

WHEREAS, The Town of Pembroke's Town Board enacted local law number 1 of the Year 2009 for the purpose of providing the GCEDC with a grant of $400,000.00, and,

WHEREAS, this funding was to be split and paid from a budgeted $200,000.00 in 2009, and $200,000.00 from the Unappropriated Fund Balance,

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Pembroke amend the 2009 Budget to appropriate $200,000.00 of said unappropriated fund balance by the following line item adjustments.

Debit	B599	$200,000.00	to $563,605.00 and
Credit	B6989.4	$200,000.00	to $400,000.00

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 #37 of 2009 – Abstract #5 of 2009

RESOLVED, that the Supervisor be authorized to pay all claims of Abstract #5 of 2009 General and Highway.

On **MOTION** of Councilman DeWind, seconded by Councilman Arnold, to adjourn the meeting at 9:13 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 MAY 13, 2009 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.

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