

MINUTES of the Regular Meeting of the Pembroke Town Board held on April 11, 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

ABSENT: Edward Arnold, Jr., Councilman

OTHERS PRESENT: Andrea Davis, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; and Richard Reeves, Zoning Enforcement Officer; Terrance Daniel; Thomas Schneider, ZBA Vice Chairman; Lynn Schafer; and Richard Doktor.

Deborah Conti gave the invocation.

Supervisor Beideck led the Pledge to the Flag.

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

PUBLIC HEARING
Local Law #2 of 2007
Wind Energy Moratorium Extension

The **Public Hearing** was called to order at 7:01 P.M. Andrea Davis read the Notice of Public Hearing as printed in the Daily News and reported she had the Affidavit of Posting and that the notice was also on the Town website.

Supervisor Beideck explained that the Moratorium adopted as Local Law No. 2 of the Year 2005 and amended as Local Law No. 4 of 2006 is being further extended for a period of nine (9) months commencing May 19, 2007. This will allow additional time for the Town to become more informed and to allow for the completion of the Comprehensive Plan.

The floor was opened to the Public for comments.

Lynn Schaffer asked if this included meteorological towers; Supervisor Beideck said that it is for wind mills.

There were no further questions or comments from the Board or the public.

On **MOTION** of Councilman Sformo, seconded by Councilman De Wind, to close the Public Hearing at 7:06 P.M.

ALL AYES – MOTION CARRIED.

Everyone being heard that wished to be heard, Supervisor Beideck declared the Public Hearing closed.

The proposed Local Law is being submitted to County Planning for their recommendation and/or approval; a recommendation is required from the Town Planning Board also. The Local Law will be acted on at the May meeting.

On **MOTION** of Councilman Arnold, seconded by Councilman De Wind, to approve the Minutes of the March 7th Workshop and the March 14th Regular Meeting.

ALL AYES – MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR

Deborah Conti gave a brief update of the Middle Class STAR. At this time the plan is for the applications to be mailed directly to the homeowner by the Dept. of Taxation and Finance.

The Board of Equalization and Assessment is bringing four (4) or five (5) Trainees here to observe us as a model assessment office.

PLANNING BOARD

Minutes of the March 28th meeting submitted and filed.

ZONING BOARD OF APPEALS

Minutes of the March 12th meeting submitted and filed. Thomas Schneider, ZBA Vice-Chairman, discussed the matter of buildings, i.e. garages, etc., being erected without permits. When confronted with the violation and lack of a variance if required, the owner gets the necessary permits, but a building has been erected without the necessary

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inspections, etc. The ZBA would like to see harsher penalties for the violators.

Jim Duval of County Planning and Mark Boylan, the Town Attorney, should be contacted for their recommendations and input. Mr. Schneider will do an article for the newsletter and this matter will be discussed further at the next meeting.

ZONING AND CODES

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

ZONING ENFORCEMENT OFFICER

Zoning Enforcement Officer's monthly report for March has been submitted and filed.

HIGHWAY

- The guardrail project has been completed.
- The brush pickup is scheduled for the last week of April/first week of May.
- There is only about 600T of salt remaining in the storage facility.
- Seaman's Hardware has been contacted regarding converting the waterlines from copper to plastic to accommodate municipal water.

JUSTICES

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

TOWN CLERK

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

- An appointment has been made for Friday with the County Treasurer's Office to do the closing of the 2007 tax period.

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SUPERVISOR'S REPORT

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

Supervisor Beideck reported the following:

- Town of Pembroke has been awarded a grant from the Governor's Office for Small Cities; and J. O'Connell & Associates has been awarded the contract for administration of the grant.
- Tower was the low bidder for the interior renovations for the Town Hall; the contract will be awarded on or about April 24th.
- The next GAM Meeting is scheduled for April 19th. Stu Brown, a Grant Writer from the Rochester area, will be the guest speaker.
- Work on the Town Park will start as soon as the weather breaks.
- Jay Gsell is looking for copies of all the Towns contracts with Time Warner. He would like to see if there is a way we can unite to have a stronger footing with the Company.
- The Thruway Bridge on Indian Falls Road will be closed from June 18th to September 3rd.
- Correspondence has been received from USDA; they have approved the documents regarding the location of the water.
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COMMITTEE REPORTS

Audit, Finance, Insurance, Investment, & Purchasing

There was no report.

Building & Ground

Councilman Mallory had no report.

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Highway/Assessment/Court

Councilman Mallory had no report.

Planning, Zoning, Code Enforcement

Three applications have been picked up for the Inspector position.

Intermunicipal

Councilman Sformo had no report.

Public Services, Water, Sewer, Refuse/Recycling

Councilman De Wind stated that the vote for Water Dist. #3 was held; the Town can now move ahead with Water District #3.

Youth Recreation

Councilman Sformo had no report.

Human Resources/Benefits

Councilman De Wind said that all employees appeared to be satisfied with the decisions made regarding health insurance.

Parks/Land Acquisition

There was no report.

Economic & Community Development

There was no report.

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PUBLIC PARTICIPATION

There was no public participation.

RESOLUTIONS

On **MOTION** of Councilman Mallory, seconded by Councilman Sformo, the

following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman De Wind, AYE; Supervisor Beideck, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION #38 of 2007 – Administration Grant Contract

WHEREAS the Town of Pembroke has been awarded a grant of \$400,000 from the Governor's Office for Small Cities; and

WHEREAS the Town Board solicited three (3) bids from organizations to complete the administration of the grant; and

WHEREAS J. O'Connell & Associates was the only one to submit a qualified bid; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board awards the contract for administration of GOSC Grant Project #893PW171-06 to J. O'Connell & Associates in the Amount of \$20,000

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

RESOLUTION #39 of 2007 – Seminar Attendance

WHEREAS the Supervisor, Bookkeeper, and Town Clerk are looking for ways to streamline float management of Town funds; and

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WHEREAS M&T Bank (our Town depository of checking funds) has invited the above referred to Town Officials to attend a brief seminar on Float Management to be held on Thursday, April 19, 2007 at the Park Country Club in Williamsville, NY; **NOW, THEREFORE, BE IT**

RESOLVED that the above Officials are permitted to attend the Float Management Seminar on behalf of the Town of Pembroke.

On **MOTION** of Councilman Sformo, seconded by Councilman Mallory, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman De Wind, AYE; Supervisor Beideck, AYE.

ALL AYES - MOTION CARRIED

RESOLUTION #40 of 2007 – Annual Highway School

WHEREAS the Annual Highway School in Ithaca, NY is scheduled for June 4 – 6, 2007; and

WHEREAS the Highway Superintendent is requesting permission to attend; **NOW, THEREFORE, BE IT**

RESOLVED that the Highway Superintendent be authorized to attend the above school on behalf of the Town of Pembroke.

On **MOTION** of Councilman De Wind, seconded by Councilman Mallory, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman De Wind, AYE; Supervisor Beideck, AYE.

ALL AYES - MOTION CARRIED

RESOLUTION #41 of 2007 – Water District #3 Agreement

WHEREAS the land owners in proposed Water District #3 approved by referendum to extend the District; and

WHEREAS the Town of Pembroke was advised by letter January 16, 2007 of its “Pre-eligibility Determination” for a grant and loan from Rural Development; and

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WHEREAS the formal application to Rural Development is to be filed with Rural Development on Thursday, April 12, 2007; and

WHEREAS as part of that application agreements for engineering, Legal Liaison, Bond Attorney, and Financial Advisor are to accompany this application; **NOW, THEREFORE, BE IT**

RESOLVED that the following agreements are approved by the Pembroke Town Board for Water District #3

1. Engineering Services – Clark Patterson Associates – Not to exceed \$140,219.00.
2. Legal Service Agreement – Mark S. Boylan, Esq. - \$135 per hour; not to exceed \$10,000.00.
3. Bond Council – Orrick, Herington & Sutcliffe LLP – base fee of \$350 plus 50 cents per thousand par amount; not to exceed \$4,500.00.
4. Financial Advisor – Municipal Solution – Fee for bond Anticipation Note borrowing and Serial Bond Closing will not exceed a total of \$2,500.00.

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

RESOLUTION #42 of 2007 – Guard Rail Installation/Phelps Road

WHEREAS it is the desire of the Pembroke Town Board on recommendation of the Highway Superintendent to install guard rail along Phelps Road adjacent to the Tonawanda Creek approximately 850 linear feet; and

WHEREAS the Highway Superintendent received at least two (2) proposals for this installation; **NOW, THEREFORE, BE IT**

RESOLVED Pavilion Drainage Supply Co., Inc. be awarded the contract for such installation in an amount not to exceed \$7,500.00.

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

RESOLUTION #43 of 2007 – Drywall Repair & Floor tile replacement/Highway Locker room

WHEREAS the locker room adjacent to the highway garage was damaged by bursting water pipes; and

WHEREAS it is the Pembroke Town Board desires to repair the damaged drywall and replace the tile flooring in the locker room; **NOW, THEREFORE, BE IT**

RESOLVED that Tower Construction of Albion be awarded the contract for the above at a cost not to exceed \$2,050.00

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

RESOLUTION #44 of 2007 – Replacement of Lawn Mower

WHEREAS the current lawn mower GX345 is in need of replacement; and

WHEREAS it is the desire of the Town Board to replace the current mower and sell the GX345 through advertising; **NOW, THEREFORE, BE IT**

RESOLVED that the Highway Superintendent is authorized to purchase a

1. A new John Deere X540 M-T W/48X Turf for \$5,775 from Goodridge Farm Supply. This equipment is on State and Federal Bid lists.
2. Declare the GX345 as excess equipment and authorize the Highway Superintendent to sell this equipment at the highest bid price.

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RESOLUTION #45 of 2007 – Joseph Sauka/Violations

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

WHEREAS the Town Board is concerned with the inhabitability, as well as fire and other safety issues, of the property owned by Joseph Sauka and located at 1710 Genesee Street; and

WHEREAS the property is not in compliance with the Town Zoning Law; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board instructs the Town Attorney draw up notices for Joseph Sauka for the eviction of the tenants residing at the 1710 Genesee Street location.

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

RESOLUTION #46 of 2007 – Transfers

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

FROM: B 6989.4 Economic Development \$255.00

TO: B 1450.4 Elections

255.00

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

RESOLUTION #47 of 2007 – Abstract #4 of 2007

RESOLVED, that the Supervisor be authorized to pay all claims of Abstract #4 of 2007 General and Highway:
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GENERAL A	V 134 – 135 Prior Paid	\$ 4,311.46
	V 136 – 160 & 177	<u>26,852.93</u>
		\$ 31,164.39
JOINT YOUTH	V 161	\$ 750.00
PART TOWN	V 162 - 176	\$ 3,963.71
HIGHWAY DA	V 34 – 55	\$ 11,614.81
	V 33 – 54	<u>376.28</u>
		\$ 11,991.09
	TOTAL ABSTRACT	<u>\$ 47,869.19</u>

On **MOTION** of Councilman Sformo, seconded by Councilman De Wind, to adjourn the meeting at 7:47 P.M.
ALL AYES – CARRIED.

Respectfully submitted,

Andrea M. Davis, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF APRIL 11, 2007 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.