MINUTES of the Pembroke Town Board Workshop held on April 22, 2009 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

ABSENT: Peter Sformo, Councilman

OTHERS PRESENT: Andrea Davis, Town Clerk; and Steve Stocking, Hwy. Supt.

Supervisor Tuttle called the meeting to order at 7:35 A.M.

We are still waiting for parts for the doors at the Community Center. The lights are done.
The new Court Officers have found paper cutters and pepper spray being brought into the Courts.

WD #4 – The application for grant money for Water District #4 has been submitted by O'Connell & Assoc. to the Office of Community Renewal.

There will be a public hearing at the May 13th meeting regarding the Zoning Law changes.

Town Park – There seems to be a small problem with the placement of the two (2) proposed playground areas. Councilmen De Wind and Arnold will look into it. Councilman De Wind will get the equipment ordered. There will be a resolution at the May meeting authorizing the purchase.

Everything that was requested by National Grid has been submitted, including all the material needed for the easement. There was discussion on the procedure for the running of the electric.

Councilman De Wind asked what has been spent to date on the park; Supervisor Tuttle said that it amounts to $738,911.70 which includes the purchase of the property, but not all the attorney fees as the fees for the park legal work were not separated out on the bills. Once the grant comes in we will owe O'Connell another $5,000.

The Kiwanis have a dollar amount set aside to get the pavilion started. Supervisor Tuttle asked if the Kiwanis might rather donate a dollar amount to put towards the soccer nets, etc. Councilman Arnold will ask them at their next meeting on the 6th.

Zoning & Codes – There was discussion on the new Zoning Position and the proposed wage. There will be a resolution at the end of these minutes regarding establishing an hourly rate.

On **MOTION** of Councilman Arnold, seconded by Supervisor Tuttle to amend the Minutes of the Workshop of 03/25/09, Resolution #23, from *"replaced with one (1) part time Zoning Enforcement Officer/ Codes Enforcement Officer position with combined hours not to exceed 19½ hours weekly"*

to

"replaced with one (1) part time Zoning Enforcement Officer and one (1) part-time Codes Enforcement Officer I position."

ALL AYES – MOTION CARRIED.

Town Park – The Park Committee met briefly with Tom Carpenter prior to the meeting and discussed the work that they would like to see accomplished this year.

Summer Rec. Program – Councilman Sformo has a meeting with School

Officials at
5:00 p.m. today to discuss the problems we are having with a location for the program this summer due to the extensive renovations being done at all three (3) schools. Councilman Sformo will have more to report regarding this issue at the regular meeting.

There was discussion on striping the parking lot at the Town Park. Mayor Skeet said that the Village will do the striping if the Town will buy the paint.

ROUND TABLE DISCUSSION

Councilman Arnold – Councilman Arnold asked where we stood with the audit; Supervisor Tuttle advised the Board that Ms. Landers will be here at the May Workshop. Kevin, one of the auditors, did not like the form we used for the Supervisor's report and did not like the way we reconciled checks. There was also a situation of the transfer of funds in 2007; the money was transferred in and back out and not entered into the books.

Clint Worthington has done an excellent job assisting us with our inspections, etc.

Steve Stocking – The tree work is done; and the brush pickup should be done today. There was discussion on the tree work that the Town Highway has been doing at the cemetery. There was discussion on putting truck #603 out for bid. The roadside
clean-up will commence after the tree work is completed. Councilman De Wind asked if there was a decision regarding our park road and the community center parking lot;
Mr. Stocking said that he feel that we should just repave them.

Starting Monday the Highway Dept. will go to 4 – 10 hr. days for the summer months.

Jim Mallory had nothing to report.

Peter Sformo had nothing to report.

Councilman Gary De Wind had nothing to report.

Supervisor Tuttle – We have received a request from the High Point Community Church for a reduction in the water units they were assigned. At the present time they are there for only one (1) service a week (Sunday morning) and one (1) Bible Study once a week. The building was assessed for four (4) units when it was a medical building. The Assessor has agreed that it should be reduced to two (2) units and reevaluated at the end of the year. A letter will be written advising the Church that the matter is being reviewed.

RESOLUTIONS

RESOLUTION #28 0F 2009 – Salary Established - Zoning position

On **MOTION** of Supervisor Tuttle, seconded by Councilman De Wind, the following
RESOLUTION was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Mallory, AYE; Councilman DeWind, AYE; Supervisor Tuttle, AYE. 5 AYES - MOTION CARRIED

WHEREAS the Town Board of the Town of Pembroke is creating one (1) part-time Zoning Enforcement /Codes Enforcement Officer I position; **BE IT**

RESOLVED that the wage established for the above named position is $19 per hour; and **BE IT FURTHER**

RESOLVED that the hours for said position are not to exceed 19 ½ hours per week.

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 DeWind, AYE; Supervisor Tuttle, AYE. 5 AYES - MOTION CARRIED

RESOLUTION #29 of 2009 – Opposition to Senate bill 56-A and Assembly Bill A.156

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PEMBROKE, GENESEE COUNTY, NEW YORK IN OPPOSITION TO CHANGING THE TOWN CLERK, RECEIVER OF TAXES AND SUPERINTENDENT OF HIGHWAYS POSITIONS FROM ELECTED TO APPOINTED

WHEREAS, the Offices of Town Clerk, Receiver of Taxes and Superintendent of Highways in New York State are elective offices pursuant to Section 20 of Town Law of the State of New York, and

WHEREAS, legislation has been introduced in the New York State Legislature, Senate bill 56-A and Assembly Bill A.156, which has been included in the Budget Bill under Part NN, Sections 26 – 28, amending Town Law to permit towns to make the offices of Town Clerk, Receiver of Taxes and Highway Superintendent appointive positions subject only to a permissive referendum rather than a mandatory referendum, and

WHEREAS, Municipal Home Rule Law §23(2) (e) already provides that a town may adopt a local law changing the office of Town Clerk, Receiver of Taxes and Superintendent of Highways from elected to appointed positions, with said law requiring a mandatory referendum, thereby allowing all of the voting residents of the Town of Pembroke their very important right to vote for or against such a proposal before any change could occur, and

WHEREAS, there would be no financial benefit or savings to the Town in making these changes from elective to appointive offices, and

WHEREAS, the election process helps to maintain the independent nature of the Town Clerk, Receiver of Taxes and Highway Superintendent's offices and creates additional checks and balances in local government.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the

Town of Pembroke, Genesee County, New York does hereby go on record as ***opposing*** any change in the existing New York State Statutes, specifically Senate bill 56-A and Assembly Bill A.156, which have been included in the Budget Bill under Part NN, Sections 26 – 28, providing for a change in the positions of Town Clerk, Receiver of Taxes and Highway Superintendent in the Towns of New York State from an elected to an appointed position through the process of a permissive referendum, thereby avoiding a mandatory referendum taking away the very important rights of the electorate in Pembroke to vote on this matter before a change can occur, and

BE IT BE FURTHER, **RESOLVED**, that a copy of this Resolution be transmitted to the Governor, the Attorney General, the Senate Majority Leader, the Speaker of the Assembly, the Majority Leader of the Assembly, the Minority Leader of the Senate, the Minority Leader of the Assembly, and the Chairpersons of the Senate and Assembly Local Government Committees, Senator William J. Larkin, Jr. 39th Senatorial District, Assemblywoman Nancy Calhoun, 96th Assembly District, and Assemblyman Daniel Burling, 147th Assembly District.

On **MOTION** of Councilman Arnold, seconded by Councilman De Wind, to adjourn the Workshop at 9:42 AM.

ALL AYES – CARRIED.

Respectfully submitted,

_____

Andrea M. Davis

Town Clerk

T
HESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD
WORKSHOP OF APRIL 22, 2009 AND ARE SUBJECT TO CHANGE AND/

OR REVISION PRIOR TO APPROVAL BY THE

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.339 / Virus Database: 270.12.36/2126 - Release Date: 05/21/09 06:22:00