

MINUTES of the Regular Meeting of the Pembroke Town Board held on August 12, 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; Deborah Conti, Assessor; Shellye Dale-Hall, Zoning / Codes Officer; Tom Schneider, ZBA Chairman; and John Worth.

Supervisor Tuttle called the Regular Monthly meeting to order at 7:00 P.M.

Deborah Conti gave the invocation.  
Supervisor Tuttle led the pledge to the flag.

On MOTION of Councilman Arnold, seconded by Councilman De Wind, to approve the Minutes of the July 8, 2009 Regular Meeting and the July 22, 2009 Workshop.  
ALL AYES - MOTION CARRIED.

#### DEPARTMENT REPORTS

ASSESSOR - Deborah Conti

\* Mrs. Conti reported on the expected ORPS fee increase; the County will cover the cost so there will be no cost to us.

\* The County has received a \$50,000 grant to study countywide assessing. The County feels that the best thing to do for now is go along with the four (4) CAPs we have. We will continue with this rather than the county-wide assessing.

#### ZONING & CODES ENFORCEMENT - Shellye Dale-Hall

The Zoning's July Report has been submitted and filed. This was reviewed by Shellye Dale-Hall, Zoning Officer.

Councilman Sformo inquired about the office hours; Mrs. Dale-Hall said she is here

Tuesday, Wednesday and Friday nights and answers and addresses whatever comes up on the other days. She is willing to do more hours; even move full time. Mrs. Dale-Hell has

submitted a request for her position to be changed from part time to full time. This will be discussed further at the workshop.

ZBA Chairman Schneider stated that he feels that Mrs. Dale-Hall's hours should be increased and she also needs more time to make everything run more smoothly. She is doing a good job.

#### HIGHWAY - Steven Stocking

- \* Tesnow Rd. and Ganson Ave. were repaved last Monday and Tuesday.
- \* The second mowing is finished.
- \* The sign has been taken down on Fuller and the signs for the park have been installed.
- \* The footer has been poured for the generator; we are waiting for Brian to hook it up.

#### TOWN CLERK - Andrea Davis

- \* The Town Clerk's monthly report for July has been submitted and filed.
- \* The sale of Life Time Hunting & Fishing licenses has increased. This may be due to the cost increase again this year for a license.
- \* A petition has been served on the Assessment Board of Review and/or the Assessor from CFJ Properties regarding a reduction in their assessment.

#### PLANNING BOARD - Richard Kutter, Chairman

- \* Minutes for the July meeting have been submitted and filed.

#### ZONING BOARD OF APPEALS - Thomas Schneider, Chairman

- \* Minutes for the July meeting have been submitted and filed.

JUSTICES - David O'Connor & Robert Alexander

\* The Justices' reports for July have been submitted and filed.

SUPERVISOR - James Tuttle

\* The Supervisor's July report has been submitted and filed.

\* On the Supervisor's report two (2) lines have been hi-lighted on the second page.

These two (2) lines represent the draws that have been taken from the budget for the park. Not knowing how much the ball fields will be costing, this indicated to the Park Committee how much is remaining in the budget yet this year.

\* Supervisor Tuttle received an e-mail from Ms. Ferguson of the State Parks regarding the fact that the New York State signs are not yet up. Mr. Tuttle spoke with her and explained that work is being done there and we were concerned about them being damaged. It was decided that the signs would be put up by Tuesday of next week and will be mounted on the pavilion.

\* We have received the contract from Mercy Flight for us to sign; we never said that we would be signing. It was found out that everyone got one, the Fire Districts, Municipalities, etc. Our Fire District will be signing ours so we do not have to. The Fire Companies should actually be the ones signing as it is really their position.

\* There was discussion on the possible purchasing of the old Indian Falls Fire building. The State Police have indicated an interest in having a base station in this area. It would also address the need for space if an ambulance is stationed out here. We can buy the building for \$1 if we have a community use for it. It could also be used for storage for highway equipment. All that is required at this time is a letter indicating our interest. Supervisor Tuttle asked the Board to please think about it.

\* The Board was provided, for their review, a copy of the School Agreement that they would like the Town to sign. Once the Board gives its approval or makes changes it will be sent to Mark Boylan for his perusal.

\* There will be a resolution authorizing a joint study with the Village regarding the feasibility of a sewer line from the thruway to the sewer plant in the village. GCEDC is willing to pay for part of this study.

#### COMMITTEE REPORTS

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

There was no report.

Building & Ground - Councilman Mallory

Councilman Mallory reported that the door has been repaired at the Community Center.

When the new tables arrive they will be stenciled.

We have had an issue arise regarding the Village Court been using the Community Center on the Wednesday's that they hold Court. They have apparently been using it for some time but without our permission. They feel they need it for the cases that are waiting to go before the Judge; but, there is another organization that also uses it on that same Wednesday and has since to beginning. This month they are having a large function and will need the entire room. Councilman Mallory will try to resolve the matter.

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 reported that we are still waiting on the water into the park. Tom

Carpenter called and said that they are in the process of getting it ready to go.

#### Youth Recreation - Councilman Sformo

Councilman Sformo contacted Donna Fix, the Director, and she stated that the program is over for the year. There was an average of approx. 130 children. Four (4) field trips were held.

#### Human Resources/Benefits - Councilman De Wind

There was no report.

#### Parks/Land Acquisition - Councilman Arnold

Councilman Arnold spoke with Tom Carpenter regarding the waterway between the soccer fields and the park road and what should be done to stop the mud that the visitors would be walking thru. They also discussed the driveway between the park and the PYA building. Mr. Carpenter said that he has been looking at the plans, and most of the work would be done on the School's property. In May a resolution was passed regarding an easement for the ponds and the drainage system. Councilman Arnold suggested putting in pipe and covering it with stone. Mr. Carpenter will be provided with a copy of the resolution. All the information can be forwarded to Mark Boylan for his approval.

Clark Patterson will be out to lay out the soccer fields to accommodate football. We are still waiting on the proposal for the goalposts.

The building has been framed up; the concrete will probably be poured tomorrow and the electrical is coming in on Monday.

#### Intermunicipal, Economic & Community Development - Supervisor Tuttle

Everything has been covered, so there was no further report.

#### OLD BUSINESS

Road Dedication - Supervisor Tuttle spoke with Mark Boylan who is also GCEDC's

attorney. He will get the paperwork together so that we can accomplish this.

Water District #4 Formation - Mark Boylan is obtaining the information necessary so that we can do the mailings and public hearing.

Chamber of Commerce Travel Guide - The Board was supplied with copies of the material that we received. Supervisor Tuttle explained his thoughts of promoting the Town from within the Town; this will show people that we are supporting our Town. A decision needs to be made as to whether or not we are going to do this. Councilmen De Wind and Arnold felt this would be a good idea. Since this project was originally associated with Councilman Sformo's position, Supervisor Tuttle asked him if he was willing to continue with it. Councilman Arnold told Councilman Sformo that he was willing to help him; Councilman Sformo agreed to continue with the project.

Supervisor Tuttle said that he felt we should try to get a Businessmen's Association going.

#### NEW BUSINESS

\* The Second Quarter sales tax check in the amount of \$276,653.88 has been received.

\* The contract with J. O'Connell and Assoc. needs to be renewed.

\* The Home School Association is looking to put a playground at the Middle School. They would like to know if we can assist them with the Grant Writers. Councilman Arnold will confirm this with Mr. Lang from the School.

Supervisor Tuttle said that we need to do two (2) things; first, we need to verify this, secondly, we would need a Municipal Agreement. This will be checked out with Mark Boylan.

\* Art Munger took the Civil Service exam and did very well. He had the top score of 95. It was agreed to by the Board that there will be a 52 week probationary period as recommended by Civil Service.

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 #51 of 2009 - RESOLUTION CALLING FOR A PUBLIC HEARING  
ON THE ESTABLISHMENT OF WATER DISTRICT #4 IN THE TOWN OF  
PEMBROKE

Whereas, the Town Board of the Town of Pembroke has proposed the  
establishment of  
Water District #4 within the Town of Pembroke which is subject to a  
permissive  
referendum.

Now therefore be it;

Resolved that the Town Board pursuant to Section 94 of the Town Law and  
on its own  
motion set a date and time to conduct a public hearing on the  
establishment of Water  
District #4 for September 9th, 2009, at 7:00 pm at the Pembroke Town Hall  
1145 Main  
Rd. Corfu, NY 14036.

RESOLUTION #52 of 2009 - Contract Renewal/J. O'Connell & Associates

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

RESOLVED the Town of Pembroke Town Board authorizes the Town of Pembroke  
Supervisor to enter into a renewal contract with J. O'Connell &  
Associates of

10646 Main Street, Clarence, NY 14031, for the purpose of grants, investigation, E application and administration for the Town of Pembroke; BE IT FURTHER

RESOLVED that the contract is for two (2) years commencing September 1, 2009 and ending on August 31, 2011 for a total cost of \$30,000 per year.

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, NAY; Councilman DeWind, AYE; Supervisor Tuttle, AYE.

4 AYES 1 NAY - MOTION CARRIED

RESOLUTION #53 of 2009 - Appointment of Arthur R. Munger

WHEREAS: That after taking the New York State Civil Service Exam, and being number one (1) on the eligibility list with a score of 95, be it therefore;

RESOLVED that Arthur R. Munger (7-18-43) is hereby appointed to the position of fiscal manager for the Town of Pembroke, with a probationary period of 1 year from this date.

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 #54 of 2009 - PAYMENT OF ABSTRACT 8 OF 2009

RESOLVED, the Town of Pembroke Town Board authorizes the Town of Pembroke Supervisor to make all payments and bills contained in Abstract 8 of 2009.

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 #55 of 2009 - Municipal Agreement - Village of Corfu - Sewer Study

WHEREAS, The Town of Pembroke in keeping with its efforts to continually improve the community, and

WHEREAS, It is in the best interests of both the Town of Pembroke and the Village of Corfu to investigate the possibilities of a sewer line running from the Thru-way interchange to the Village of Corfu, to improve the industrial areas, NOW, THEREFORE BE IT

RESOLVED the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to enter into an intermunicipal agreement with the village of the Corfu, for the purposes of conducting a study of the sewer line and treatment facilities for providing adequate and suitable treatment of sewage and waste water.

On MOTION of, Councilman Arnold, seconded by Councilman De Wind, to adjourn the meeting at 9:16 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 AUGUST 12, 2009 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.

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