MINUTES of the Pembroke Town Board Workshop held on January 21, 2009 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

OTHERS PRESENT: Andrea Davis, Town Clerk; Stephen Stocking, Highway Superintendent; Mark Boylan, Town Attorney; Thomas Schneider, ZBA Chairman; Michael Herec, Planning Board Vice Chairman; Steve Tanner and Tom Carpenter, Clark Patterson; and Chris Suozzi; GCEDC.

The Workshop was called to order at 7:43 A.M.

Councilman Sformo said that the Winter Festival overbooked and that it presented a problem with the scheduling of the Magician. Would it be possible to use the room in the Court area for this act; someone will be there at all times to insure that no food or beverage, etc. is brought in. The Board was agreeable to this.

Highway Superintendent Stocking reported that the Salt Barn is done for this winter. 500T has just been ordered.

The generator is ordered.

There was discussion on concerns regarding the left turning lane and the grant monies.
Councilman Arnold asked, if we do nothing, what will happen. Steve Tanner explained that we would not get DOT and the Electric Co.'s approval. At this point we do not need to spend any money on the turning lane but we can get

enough done to satisfy our needs. DOT said that the turning lane would be required when turning traffic reaches 20 cars per hour.

Tom Carpenter explained that the resolution they have prepared for our use will get power into the park but if another business comes into the park we are back where we started.

Mr. Carpenter was asked if we get another business or two (2) but the traffic still remains at five (5) or six (6) cars, after a traffic study, we still don't need to put in the lane?
He responded that we do not as long as we do not exceed the allowed amount of cars per hour.

Councilman De Wind asked what the DOT has to do with the electricity. It was explained that if a pole needs to be installed or relocated the DOT tells where it will be located.

Councilman Sformo asked if a study needs to be done before each company comes in. The response was that only the main study needs to be updated.

Thomas Schneider, ZBA Chairman, asked to speak as he needed to leave. Mr. Schneider was present to speak on behalf of Greg Martin. A letter had been presented to the Board Members. Mr. Schneider said Mr. Martin has worked well with the ZBA and is more than happy with Mr. Martin's level of service to the Town.

Discussion resumed on the turning lane and the proposed resolution. Attorney Boylan stated that this is just a resolution and not an agreement.

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

RESOLUTION #5 of 2009 – CONCURRING WITH DEPARTMENT OF TRANSPORTATION CONDITIONS FOR THE PHASED DEVELOPMENT OF THE PEMBROKE BUSINESS PARK PROPERTY

Whereas, it is the New York State Department of Transportation's general policy that traffic impacts resulting from a new development shall be mitigated, based on full build out on opening day, so that the level of service is maintained on all New York State highways as they would have operated absent the new development, and

Whereas, The Genesee County Economic Development Center proposes phased development of their property totaling 40 acres, located on the south side of New York State Route 5 between New York State Route 77 and Lovers Lane in the Town of Pembroke, with an initial development parcel of 1.93 acres, as shown on a subdivision plot filed with the Town of Pembroke, and

Whereas a traffic study for the Pembroke Business Park was completed on June 13, 2006 by GTS Consulting, and

Whereas the New York State Department of Transportation reviewed the Traffic Study and offered their recommendations on November 9, 2006, and

Whereas a west bound left turn lane is required on New York State Route 5 entering the Pembroke Business Park once traffic volumes reach an average of 20 left turns into the park per hour, and

Whereas the first business in the park is currently being constructed and will generate 4 left turns into the park during the peak hour, and

Whereas it is anticipated that additional development will occur inside the Business Park, and

Whereas, the New York State Department of Transportation will only allow this initial development by Professional Turf Services where indicated on the subdivision plan based on the following conditions:

A. That the Town of Pembroke agrees not to issue any additional Site

Plan Approvals and building permits beyond the proposed Professional Turf Services on the aforementioned property, until the New York State Department of Transportation receives and approves a traffic impact study conducted by the developer or the successors, that defines the mitigation necessary, if any, to maintain the level of service on the New York State highway system, and

B. That the Town of Pembroke agrees not to issue any additional Certificates of Occupancy on the aforementioned property, until all highway mitigation (if required) is completed to the satisfaction of the New York State Department of Transportation, and

Whereas, the Genesee County Economic Development Center requests the cooperation and assistance from the Town of Pembroke to fulfill the New York State Department of Transportation's required conditions.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town of Pembroke authorizes and agrees with the above stated New York State Department of Transportation's conditions with regard to the proposed phased development by the Genesee County Economic Development Center, and

2. That this resolution shall take effect immediately, and

3. That the Clerk of the Town Board of Pembroke is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Councilman Arnold asked what is happening on the northwest corner of the intersection; he is a little concerned. Mr. Suozzi explained that many companies have indicated a serious interest. The deadline for negotiations with Ms. Julie Stone, Owner, has expired. The EDC is currently renegotiating an extension with her new attorney. The State will put nothing in until we have a commitment. There was a report as to what has been accomplished regarding surveys, SEQR, topo surveys, archeological surveys, etc.

Before any money can be given to the EDC, a local law would need to be done. The monies can be used only for infrastructure.

The Board agreed that a public hearing will be held at the Regular meeting on February 11, 2009 at 7:00 P.M. regarding the local law and the $400,000. Someone from the EDC will be available to attend the hearing; Attorney Boylan will not.

Mr. Carpenter discussed the situation the School is facing with the installation of a new rubber track and stormwater runoff. A drawing was presented showing a possible solution with the runoff from the school track being diverted to the stormwater pond in the Town Park.

Councilman Arnold asked Mr. Boylan if there would be a problem since it is the Town Park; Mr. Boylan said that an Intermunicipal agreement would be needed.

When asked if we would still need to maintain the stormwater permits, Councilman Sformo was told that it is recommended that the pond be cleaned out every five (5) years or so and once the pond is done an annual permit is not required.

The School will stand the cost but if it becomes a budget issue we could help but a permissive referendum would be required. Councilman Arnold suggested that the monies come out of the park budget if necessary.

Water District #3 – Steve Mountain contacted Tom Carpenter regarding a 2-way meter vault. This would allow an automatic flow either way in the event if a pressure drop due to a fire, break in the line, etc. The remainder of the District #3 funds could be used for this but a letter would be needed requesting it to be used for this propose.

Water District #4 has been put on hold due to the lack of responses to the 12/10/08 letter.

Michael Herec, Planning Board Vice Chairman, asked to address the Board on behalf of Greg Martin. Mr. Herec indicated that the Planning Board worked very well with
Mr. Martin. He was also able to defuse a situation on a personal level. Mr. Herec said that he is glad to be working with him and looks forward to working with him

in the future. The Planning Board has a good working relationship with Mr. Martin and they would like to have it continue.

Highway Superintendent Stocking asked that the Board think about a 5week vacation schedule for hourly employees.

On **MOTION** of Councilman Sformo, second by Councilman Arnold to enter into Executive Session to discuss a personnel matter.
ALL AYES - **MOTION CARRIED**
TIME 9:30 P.M.

On Motion of Councilman Arnold, second by Councilman De Wind to close the Executive Session and reconvene into regular session.
ALL AYES – **MOTION CARRIED**
TIME: 10:48 P.M.

On **MOTION** of Councilman Arnold, seconded by Councilman Mallory, the following
RESOLUTION was **DEFEATED** by roll call vote: Councilman Arnold, NAY; Councilman Mallory, NAY; Councilman Sformo, NAY; Councilman DeWind, NAY; Supervisor Tuttle, AYE.
1 AYE – 4 NAYS MOTION DEFEATED

RESOLUTION #6 of 2009 – Appointment – Zoning/Building Compliance Administrator

RESOLVED that effective immediately the Pembroke Town Board here by appoints Gregory R. Martin to the position of Zoning/Building Compliance Administrator for 2009.

On **MOTION** of Councilman Arnold, seconded by Councilman Mallory, to adjourn the Workshop at 11:15 AM.

ALL AYES – CARRIED.

Respectfully submitted,

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Andrea M. Davis

Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP OF

JANUARY 21, 2009 A
ND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO
APPROVAL BY THE TOWN BOARD.