

**MINUTES** of the Regular Meeting of the Pembroke Town Board held on January 9, 2008 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; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Richard Reeves, Zoning Enforcement Officer; Thomas Schneider, Vice Chairman ZBA; Dale Bremiller, Zoning Admin. Officer; Scott Waite; Carolyn & Aaron Swable; Richard Doktor, and Linda Rindell.

Deborah Conti gave the invocation.  
Supervisor Beideck led the Pledge to the Flag.

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

On **MOTION** of Councilman Mallory, seconded by Councilman Arnold, to approve the Minutes of the 12/05/07 Public Hearing; the 12/07/07 Workshop; the 12/12/07 Regular Meeting and the 12/27/07 End of Year Meeting,  
**ALL AYES – MOTION CARRIED.**

## **DEPARTMENT REPORTS**

### **ASSESSOR**

Mrs. Conti reported that the Exemption and STAR renewal applications have been sent out and are being returned regularly.

Copies of photos and property information have been provided the Supervisor to assist the Committee in making their decisions for the water unit hearings that will be held.

### **PLANNING BOARD**

There was no December meeting.

## ZONING BOARD OF APPEALS

Minutes of the December meeting submitted and filed.

## ZONING & CODES

December's Report and the Annual Report have been submitted and filed.

A request has been submitted from Mr. Bremiller to attend schooling to be held March 10-20, 2008. After discussion by the Board it was decided to deny the request due to the proposed changes being made in the Zoning Department.

## ZONING ENFORCEMENT

December's Report and the Annual Report have been submitted and filed.

## HIGHWAY

- CHIPs monies have been received.
- Truck 604 should be back in a couple of weeks. The cost should be between \$30,000 to \$35,000.
- Tree damage due to the recent winds was not too bad.

## JUSTICES

The Justices' monthly reports for December 2007 and the Annual Reports have been submitted and filed. Supervisor Tuttle reviewed the reports for the Board.

## TOWN CLERK

- The Town Clerk's monthly and annual reports have been submitted and filed.
- Taxes are coming in at a good rate.

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- Local Laws #4 and #5 of 2007 have been sent to Albany; we are awaiting notification of Filing by the Principal Clerk.

- Ad for the Zoning position have been sent to the Daily News and the Akron Corfu Penny Saver.

### SUPERVISOR

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

### COMMITTEE REPORTS

#### Audit, Finance, Insurance, Investment, & Purchasing

Councilman Arnold had no report.

#### Building & Ground

Councilman Mallory reported on the generator that the Village desires to sell. A couple of years ago the Town looked into the purchase of a new one. The one from the Village is approx. 25 to 30 year old and is smaller (2/3 capacity); we would also have to separate the service in the Fire Hall. The new one would be operated on natural gas. Councilman Mallory suggested that we look into the matter further. Carl Schoenthal will be contacted for his input.

The remaining work that needs to be done in the Community Room kitchen area was discussed.

Monday morning there will be a walk-thru of the Town Hall to inspect the renovation work.

#### Highway/Assessment/Court

Councilman Mallory had no report.

#### Planning, Zoning, Code Enforcement

Councilman Arnold had no report.

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#### Intermunicipal

Councilman Sformo had no report.

#### Public Services, Water, Sewer, Refuse/Recycling

Councilman De Wind reported that trash day has been moved from the first Saturday to the third Saturday.

The waterline is progressing at a good rate.

Supervisor Tuttle stated that we have received our first request from payment from Villager.

We have received a progress report from Villager. There will be a meeting next Tuesday at 10:30 A.M.

Surveys have been sent out by O'Connell regarding Water District #4 and they are waiting for the responses to come in.

### Youth Recreation

Councilman Sformo said that everything is going well and we are getting ready for this year's program.

### Human Resources/Benefits

Councilman De Wind said that he should be hearing from Don Georger in the next few weeks regarding the health insurance program. The first meeting will be held in March; the policy holders will be met with after that.

### Parks/Land Acquisition

Councilman Arnold reported on the surface release agreement that will be needed regarding the gas well located on the park property.

Jeff Kohl will be contacted regarding the continuance of work in the spring.

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### Economic & Community Development

There was no report.

### **NEW BUSINESS**

- A date needs to be established to hold the hearings for the four (4) residents In Water District #3 regarding the Unit Assessments.
- Deborah Conti will be our delegate for voting purposes at the Association of Towns. Copies of the proposed resolutions were provide the Board; they will be discussed further at the Workshop.

- Correspondence has been received from Legislator Annie Lawrence who is requesting permission to continue using Town Hall, in the mornings on the third Saturday, as her outreach office.
- We have received contract renewals from Turnbull Heating for the fall and spring Servicing, and from Selective Insurance.
- A letter has been received from Terrance Daniel requesting appointment to the ZBA.

**OLD BUSINESS**

There was no old business.

**PUBLIC PARTICIPATION**

There was no public participation.

**RESOLUTIONS**

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

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**RESOLUTION #6 of 2008 – Gypsum Easement**

**WHEREAS**, the Town Board of the Town of Pembroke has determined that it is in the best interest of the Town enter into an easement for a 24 foot wide existing driveway and a connecting gravel driveway to be constructed by the Town located on the northerly boundary of property acquired by the Town from Mertie Doll for use by the United States Gypsum Company ( a copy of said proposed easement is available for public inspection at the Town Clerk’s office during regular business hours); **NOW, THEREFORE BE IT**

**RESOLVED**, that the Town Board hereby authorizes the Supervisor of the Town of Pembroke to enter into an easement for the use of a 24 foot wide driveway and connecting gravel driveway to be constructed by the Town for the United States Gypsum Company for access and maintenance of the Gypsum Company’s gas well on Town property acquired from Mertie Doll subject to passage of the permissive referendum period required under law without a petition for a permissive referendum.

This Resolution shall be subject to a permissive referendum, as required by Town Law.

On **MOTION** of Supervisor Tuttle, seconded by Councilman Sformo, 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 #7 of 2008** – Amend Sick Leave Policy

WHEREAS the Town Board of the Town of Pembroke, in an effort to maintain good working relationships between the Town and its employees, has chosen to modify the Sick Leave Policy to conform with past practices; **NOW, THEREFORE BE IT**

**RESOLVED** that the Pembroke Town Board hereby amends the Sick Leave Policy (#20) of the Employee Handbook, section eight (8) to read as follows:

“Upon separation from employment, accumulated sick leave may be either applied as additional credits, as provided by New York State Retirement System, policy #16 of this handbook, or left with the Town in a bank to provide health insurance coverage at the prevailing rate until monies are depleted.” ; and

**BE IT FURTHER RESOLVED** that this change will be retroactive to December 31, 2003

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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 #8 of 2008** – Terrance Daniel/ZBA Appointment

**WHEREAS** a position has been vacated on the ZBA effective December 31/2007; and

**WHEREAS** Terrance Daniel has submitted an application indicating an interest in fill this position; **NOW, THEREFORE, BE IT**

**RESOLVED** that the Pembroke Town Board hereby appoints Mr. Daniel to the Zoning Board of Appeals for a term of seven (7). Years.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, 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 #9 OF 2008** – Association of Towns Court Clerk Training

**WHEREAS** the Association of Towns of the State of New York is having its annual meeting on February 17 – 20, 2008 in New York City; and,

**WHEREAS** Court Clerk Susan Mortellaro have requested permission to attend; and

**WHEREAS** the cost for this meeting, including travel fare, food, and lodging, is included in the 2008 budget;  
**NOW, THEREFORE, BE IT**

**RESOLVED** that Susan Mortellaro be authorized to attend the Association of Towns Meeting February 17 – 20, 2008.

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On **MOTION** of Councilman Sformo, 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 #10 OF 2008** – Legislator Lawrence/Outreach Office

**WHEREAS** County Legislator Annie Lawrence has, in the past, utilized Pembroke Town Hall, every other month as her Outreach location; and

**WHEREAS** this location and schedule was successful in making Legislator Lawrence available to the Resident of Pembroke to discuss various subjects; **NOW, THEREFORE, BE IT**

**RESOLVED** that the Pembroke Town Board hereby grants Legislator Lawrence permission to utilize a Town Hall Office, commencing January 19, 2008, as her Outreach Facility.

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 #11 OF 2008** – Turnbull Heating Maintenance Contract

**RESOLVED** that the Supervisor be authorized to renew the contract with Turnbull Refrigeration Inc. for the one (1) year a Preventative Maintenance Contract that covers the Town Hall located at 1145 Main Road and the Fire Hall/Court Facility at 116 East Main Street, Corfu.

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  
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**RESOLUTION #12 of 2008** – Abstracts #14 of 2007 and #1 of 2008

**RESOLVED**, that the Supervisor be authorized to pay all claims of Abstracts #14 of 2007 and #1 of 2008 general and Highway.

Abstract #14 of 2007

A FUND	V 571 – 581	\$ 8,950.96
B FUND PAR T TOWN	V 582 – 583	\$ 73.05
HIGHWAY	V 227 – 235	\$ 1,194.13

Abstract #1 of 2008

A FUND	V 1 – 16	\$45,050.58
B FUND PART TOWN	V 17	\$18,800.00
HIGHWAY	V 1	\$ 500.00

On **MOTION** of Councilman Mallory, seconded by Councilman De Wind, to adjourn the meeting at 8:30 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 JANUARY 9, 2008 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.