

MINUTES of the Regular Meeting of the Pembroke Town Board held on March 12, 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; Deborah Conti, Assessor; Stephen Stocking, Highway Superintendent; Michael Herec, Planning Board Vice Chairman; Terry Daniel; Richard Rudolph; Richard & Lorraine Thompson; Gene Schafer; Scott Waite; and Patrick Moravec, J. O'Connell & Associates.

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

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

PUBLIC HEARING WATER DISTRICT #4

The Public Hearing for Water District #4 was called to order at 7:02 P.M. Andrea Davis reported she had the Notice of Public Hearing as printed in the Daily News as well as posted on the Town's website and bulletin board; and the Affidavit of Posting.

Supervisor Tuttle explained that the Indian Falls Road area was selected due to the problems encountered last summer with many of the wells, such as wells going dry, etc. An income survey was completed with a good response.

The floor was opened to Mr. Moravec who gave a brief summary of the Grant Programs, how they work, and the application process. To be eligible for the program the area must have more than 50% of low to moderate income; proposed district 4 is approximately 52%. The grant term must be completed within 24 months; the application we will be working on will be due April 21, 2008. Mr. Moravec explained that one very important item we will need is public support, i.e., petitions, and letters, the condition of the wells and/or water, annual cost for conditioners, etc.

The floor was opened to the public; there was no public input.

Supervisor Tuttle explained that there will be a second Public Hearing on March 19, 2008 at 7:00 P.M. Tom Carpenter from Clark Patterson will be in attendance.

On **MOTION** of Councilman De Wind, seconded by Councilman Sformo, to close the Public Hearing at 7:08 P.M.

ALL AYES - MOTION CARRIED.

Everyone being heard that wished to be heard, Supervisor Tuttle declared the public hearing closed.

REGULAR MONTHLY MEETING

The Regular Monthly Meeting was called to order at 7:10 P.M.

On **MOTION** of Councilman Mallory, seconded by Councilman Sformo, to approve the Minutes of the February 13th Regular Meeting; and the February 27th Workshop.

ALL AYES – MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR

Mrs. Conti stated that all the Resolutions the Town Board delegated her to vote on were passed unanimously. There are a number of residents in the County that have unclaimed funds that they are entitled to. There is a Representative who would like to set up a Satellite Office or two in the area enabling the residents to claim these funds. Linda Graber will coordinate this project.

Mrs. Conti will be sending out Change of Assessments (Impact Notices) this week. All inquiries should go thru the Assessor's Office. This will go on for approximately the next two (2) months.

PLANNING BOARD

The Minutes of the February 27th Planning Board meeting submitted and filed.
Vice Chairman Herec was present to report on the February meeting.

Councilman Sformo stated that we created the business park to draw business but we seem to have problems with planning their uses. Why is the amended subdivision process necessary? Mr. Herec explained that the Turf Services is purchasing is being separated from a larger parcel that was established in the original site plan. There are also some questions that we have regarding the proposed business, i.e. safety issues pertaining to the fertilizing material to be warehoused, etc.

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ZONING BOARD OF APPEALS

The February Minutes were submitted and filed.

ZONING & CODES

February's Report has been submitted and filed.

ZONING ENFORCEMENT

February's Report has been submitted and filed.

HIGHWAY

- Our truck is back and a check has been received from the insurance company; will start hauling sand next week.
- Rick Konfederath said that he will provide us with a bill for the balance of the work in the Community Center.
- The salt barn is empty; have arranged for additional to be brought in.

JUSTICES

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

TOWN CLERK

- The Town Clerk's February monthly submitted and filed.

SUPERVISOR

- The Supervisor's February monthly report submitted and filed.
- Insurance rates are up approx. 30%
- Met with Councilmen Arnold and De Wind, and Clint Worthington from the Town of Batavia for the purpose of conducting interviews for the newly created Zoning position. Supervisor Tuttle reported on the results of the interviews and the selection made.

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COMMITTEE REPORTS

Audit, Finance, Insurance, Investment, & Purchasing

Councilman Arnold had no report.

Building & Ground

Councilman Mallory said that last month we discussed a sign for out in front and we have received a petition opposing the sign. He suggested we look into something less expensive.

Supervisor Tuttle remarked that residents have come in and after the matter was explained to them they were in favor of the sign. The petition only indicated opposition for traffic safety reasons and the cost, not the sign itself.

Highway/Assessment/Court

Councilman Mallory had no report.

Planning, Zoning, Code Enforcement

Councilman Mallory had no report.

Intermunicipal

Councilman Mallory had no report.

Public Services, Water, Sewer, Refuse/Recycling

Councilman De Wind reported that the water is in on Route 5. 66 residents hooked up to the water and 4 did not. The restoration work will take place in the spring when the ground dries up.

Youth Recreation

Councilman Sformo had no report.
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Human Resources/Benefits

Councilman De Wind had no report.

Parks/Land Acquisition

Councilman Arnold had no report.

Economic & Community Development

Supervisor Tuttle had no report.

OLD BUSINESS

The American Red Cross has been using our Community Room to hold their blood drives. The February drive was a success having 50 donors.

Supervisor Tuttle explained the resolution that will be offered regarding the special payment to Faye Stollo upon her retirement.

NEW BUSINESS

We have received payment application #3 from Villager Construction in the amount of \$102,399.64.

The next GAM meeting will be hosted by the Town of Batavia on March 17th at 7:00 P.M. at a cost of \$15 per person.

There will be a Public Hearing regarding Water District #4 on March 19th at 7:00 P.M. A representative from Clark Patterson will be in attendance.

PUBLIC PARTICIPATION

There was no public participation.

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RESOLUTIONS

On **MOTION** of Councilman Sformo, 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 #19 of 2008 – Payment to Faye Stollo

WHEREAS, The Town of Pembroke Town Board, having discussed and approved a special payment of \$2000.00 to be paid to Mrs. Faye Stollo for extra services performed for the Town of Pembroke prior to her retirement, **NOW, THEREFORE, BE IT**

RESOLVED, That the Town Board of the Town of Pembroke hereby authorizes the supervisor to make the appropriate payments as provided.

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 #20 of 2008 – Concord Electric – Final Payment

WHEREAS, A request has been made by Concord Electric for goods and services performed on the Renovation of Town Facility, and,

WHEREAS, This payment is within the normal scope of the contract agreed to by the Town of Pembroke, **NOW, THEREFORE, BE IT**

RESOLVED, That the Town of Pembroke hereby authorizes the Supervisor to make the appropriate payments as provided with the contract with Concord Electric.

This payment does not create additional expenses for the Town of Pembroke

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On **MOTION** of Councilman Mallory, 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 #21 of 2008 – Payment of Villager Const. – Request #3

WHEREAS, A request has been made by Villager Construction Inc. for goods and services performed on water district #3, for \$102,399.64, which includes an additional bill from Clark Patterson regarding goods and services in the amount of \$28,130.40; and,

WHEREAS, this payment is within the normal scope of the contract agreed to by the Town of Pembroke, **NOW, THEREFORE, BE IT**

RESOLVED, That the Town of Pembroke hereby authorizes the supervisor to make the appropriate payments as provided with the contract with Villager Construction Inc. The funds for this project are contained within a grant from Small Cities and the Rural Development Loan previously approved for the Town of Pembroke.

This payment does not create additional expenses for the Town of Pembroke

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 #22 of 2008 – Wilsandra Construction – Final Payment

WHEREAS, A request has been made by Wilsandra Construction for goods and services performed on the Renovation of Town Facility, and,

WHEREAS, this payment is within the normal scope of the contract agreed to by the Town of Pembroke, **NOW, THEREFORE, BE IT**

RESOLVED, that the Town of Pembroke hereby authorizes the supervisor to make the appropriate payments as provided with the contract with Wilsandra Construction after confirmation with MRB Group.

This payment does not create additional expenses for the Town of Pembroke
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On **MOTION** of Councilman Mallory, 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 #23 of 2008 – Sale of Town Pickup Truck

WHEREAS, The Town of Pembroke Town Board, having received a request from the Town of Pembroke Highway Superintendent to purchase a new pickup truck, and said request being approved on February 13, 2008, and

WHEREAS, the purchase of the new truck results in the sale of the current 2006 pickup truck, **NOW, THEREFORE, BE IT**

RESOLVED, that the Town Board of the Town of Pembroke hereby authorizes the Highway superintendent to enter into a contract with Roy Teitsworth, Inc. for the sale of the towns 2006 Ford F-250 for a guaranteed price of \$16,500.00 with any excess amount to be split on a percentage of 50/50

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

RESOLUTION #24 of 2008 – Appointment of Zoning/Building Compliance Officer

BE IT RESOLVED, the Town of Pembroke Town Board, hereby creates the position of Zoning / /Building Compliance Administrator effective March 31, 2008. This position will replace the positions of code enforcement officer, zoning administration officer, zoning enforcement officer, safety inspector, and department secretary, and **BE IT**

FURTHER RESOLVED that the compensation for this position will begin at \$50,000 with additional benefits as provided by the Town of Pembroke and outlined in the employee handbook.

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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, ABSTAIN; Councilman DeWind, AYE; Supervisor Tuttle, AYE. 4 AYES 1 ABSTAIN – MOTION CARRIED

RESOLUTION #25 of 2008 – Education – Tuttle/M. Sformo

WHEREAS, The Town of Pembroke Town Board, having received a request from Supervisor Tuttle and Senior Financial Clerk Michele Sformo to attend a 2½ day basic course in Governmental Accounting from April 15th – 17th 2008 in East Aurora, NY; and

WHEREAS, the schooling falls within the scope and need of their positions, and the cost of \$80.00 each is provided within the Supervisor’s budget; **NOW, THEREFORE, BE IT**

RESOLVED, that the Town Board of the Town of Pembroke hereby authorizes both individuals to attend this training.

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

