

MINUTES of the Regular Meeting of the Pembroke Town Board held on October 14, 2009 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

ABSENT: Steven Stocking, Highway Superintendent

OTHERS PRESENT: Andrea Davis, Town Clerk; Deborah Conti, Assessor;
Steven Lockwood, GCEDC; Susan Conrad, Batavia Daily News;
Shellye Dale-Hall, Zoning & Codes Officer; Thomas Schneider, ZBA Chairman;
Michael Herec, Planning Board Vice-Chairman; and John Worth.

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

On **MOTION** of Councilman Arnold, seconded by Councilman Mallory, to approve the Minutes of the September 9, 2009 Regular Meeting and the September 23, 2009 Workshop.
ALL AYES - MOTION CARRIED.

The 2010 Tentative Budget has been filed in the Town Clerk's Office and copies have been presented to the Board Members.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti reported on her attendance at the Assessors' Conference in Saratoga Springs and at the Counties Presidents Meeting. She also explained that the County is trying to re-write the back of the tax bills to make them more user friendly. If any one has any questions they should let her know as they will be meeting again in a couple of weeks. Councilman Sformo asked for a copy so that he may have the opportunity to peruse it.

Exemption forms will be sent out around the first week in December.

Councilman De Wind asked when the property on the corner of Indian Falls Road and Route 5 will go back on the tax rolls. Mrs. Conti said that will happen when the property

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title is signed over to the prospective new owner. Supervisor Tuttle said that the property is an estate and cannot be signed over until the estate is settled.

Supervisor Tuttle mentioned that we have received a FOIL request for information regarding the Flying J. There was some discussion.

ZONING & CODES ENFORCEMENT – Shellye Dale-Hall

- The Zoning's September Report has been submitted and filed. This was reviewed by Shellye Dale-Hall, Zoning Officer.
- There was discussion on a complaint received regarding burning of brush, small trees, etc. in a backyard next to the gas station in East Pembroke.
- The annual training is coming up at the end of January. Reservations and payment need to be made in advance. The Barre Supervisor will be contacted regarding shared expenses as this training will also benefit the Town of Barre.

HIGHWAY – Steven Stocking

- There was no report.

TOWN CLERK – Andrea Davis

- The Town Clerk's monthly report for September has been submitted and filed.
- The big rush of hunting licenses sales is over; we have sold almost as many lifetime licenses as annual.

PLANNING BOARD – Richard Kutter, Chairman

- Minutes for the September meeting have been submitted and filed. Vice Chairman Herec gave a report of the meeting and of the SEQR Training that was conducted at the County Building.
- The October Meeting has been changed from October 28th to the 21st and the November meeting has been changed from November 25th to the 18th due to the Thanksgiving Holiday.

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ZONING BOARD OF APPEALS – Thomas Schneider, Chairman

- Minutes for the September meeting have been submitted and filed. Chairman Schneider gave a report of the meeting. The difficulty the ZBA is having is the size requirements of the side lot and frontage as established in the Zoning Law, especially when dealing with properties in East Pembroke. Mr. Schneider said that we should keep this in mind when we redo the zoning.

JUSTICES – David O'Connor & Robert Alexander

- The Justices' reports for September have been received and filed.

SUPERVISOR – James Tuttle

- The Supervisor's September report has been submitted and filed. Supervisor Tuttle asked Councilman Sformo if the various reports he requested be provided on a monthly basis were sufficient to furnish him with the information he wanted. Councilman Sformo selected the reports that he felt would be adequate and wants the Board to have on a monthly basis.
- We are still waiting for information from County Planning and Mark Boylan regarding the water district.
- The Brick House Fair was very well attended. The Committee needs expanding and is looking for volunteers.
- There are two (2) requests for the use of the Community Room by the Village; one is for the Winter Fest on January 30th and the second is that they want to use the Community Center every third Wednesday for the Court. The Councilmen decided that they should not be charged for the use of the facility.
- Copies of the report requested by the Councilmen and completed by Shelly

Dale-Hall and Nancy Mandolene regarding the Zoning position hours and duties were distributed. Supervisor Tuttle stated that when he took office there were four (4) to five (5) Inspectors and complaints regarding lack of performance.

In talking with Mr. Beideck, the previous Supervisor, it was agreed that the position needed to be, and was made, full time. Things were changed to make the work and position run better and smoother. We have spent a long time with no one in the position and have had to pay Batavia to come out to do our inspections. Councilman Arnold picked up some of the applications, etc., but only touched the surface. Now we have Shellye; she has a good rapport with the people and she is doing a good job. We are looking at making this position fulltime. Legislator Lawrence and past Supervisor Beideck both have indicated that this is the best thing to do, and Planning Board Chairman Kutter said that this action was necessary. A graft has been

prepared indicating the workload vs hours. Hiring two part-time (2) people for the position could create a greater expense, i.e. workers compensation, unemployment, etc. A decision needs to be made to get the work done that is not getting done before we start getting busy again and get further behind. The Board agreed to make a decision at the Workshop on Oct. 28th.

COMMITTEE REPORTS

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

There was no report.

Building & Ground – Councilman Mallory

There was a problem with the overhead doors not opening at the Fire Hall; Overhead Doors came out and made the repairs. He recommended that all the doors be replaced; they will be faxing a firm quote. It is estimated that they will be approx. \$700 each.

Councilman Mallory asked for the Board's input before we decide what should be charged for the Community Center use. Supervisor Tuttle said that we will also act on this at the Workshop.

Highway/Assessment/Court – Councilman Mallory

There was no report.

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Planning, Zoning, Code Enforcement – Councilman Arnold

We will review the paperwork that Shellye put together and we will discuss it at the next meeting.

Public Services, Water, Sewer, Refuse/Recycling – Councilman De Wind

Mark Boylan is working on the water for Indian Falls Road.

Youth Recreation – Councilman Sformo

There was no report.

Human Resources/Benefits – Councilman De Wind

There will be nothing until at least January. We can probably expect about a 15% increase.

Parks/Land Acquisition – Councilman Arnold

Councilman De Wind reported that most of the projects are done with the exception of the waterline, a pipeline needs to be installed, and there is backfilling to do. The soccer and ball fields have had the clay mixture being put in. The water needs to be finished up this year. The park is being used by people quite often.

Supervisor Tuttle asked if we have any idea what the waterline is going cost. There was no response other than Councilman Arnold said that part of it will come from leftover water district money.

Councilman De Wind stated that we will set our own distribution box. The electric is into the building and into the service box. We will do nothing with any of this until the bathrooms are installed. The water will be hooked up in the spring and the electric will be run into the pavilion, although it will be nothing fancy.

Supervisor Tuttle said that this has got to be the last for this year.

Councilman De Wind said that he realizes they are spending a lot of money but it was all necessary.

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Supervisor Tuttle reminded the Committee that they are \$53,000 over budget for this year. The Board did not approve these expenditures, such as the goal posts, the second pavilion, etc. Once the bills are all in it will be necessary to do a resolution to approve these projects, approve the funding, and approve the transfer of money in the accounts. Because we need to resolve these matters before we take any more action, bills arriving later may not get paid until after the first of the year.

Councilman De Wind said that a couple of months ago he told the Board that more money was needed. It was necessary to do the projects this year because one project complimented the other; and we also got good deals. We have done the same procedure for the last three (3) years. This year was an exception because the school could not play on their own fields so they needed ours. The other parking lot needs to be done next year. There were seven (7) school buses there from Oakfield this past weekend for the School homecoming game. We had to do what we did this year in order to make to operate because the school was not able to use theirs.

Supervisor Tuttle said that his concern was that we still need to do things right. We have our own policies plus State Guidelines that need to be followed.

Councilman De Wind said that these things were all necessary; he did not want to be the one to have to tell the students that they could not have their football game because our fields were not finished.

Intermunicipal, Economic & Community Development – Supervisor Tuttle

Topics have been reported on in other areas of the meeting.

OLD BUSINESS

Road Dedication/Brick House Drive – We are still waiting to hear from Mark Boylan.

Water District #4/Office of Community Renewal – We are still waiting for information.

Chamber Tourist Guide – Councilman Arnold said that he and Councilman Sformo are still working on it and they have decided that they are going with one (1) page this year and spending more time on it next year. When asked if the list of businesses had been updated, Councilman Arnold said that there was no way to do it unless they went around the Town. That is why they are waiting until next year.

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Postage meter – It is time to renew the contract for our Neopost postage meter. The machines, ours and the Court's, are getting old, so we are going to replace them with machines that have been reconditioned. The maintenance service contract is now included in the price and the fee will be less than we paid before the old machine.

Steve Lockwood, GCEDC, was present to talk about the grant of \$166,000 that the Office of Community Renewal, formerly Small Cities, was making available to Yancey's Fancy. The GCEDC has been assisting Yancey's Fancy with the grant application for funds to expand their present facility. One of the stipulations for the grant is that a municipality be Lead Agency; that is why the GCEDC or Yancey's Fancy cannot be Lead Agency and have come to the Town.

With this expansion they anticipate increasing their employment number by about 15 jobs in the next two (2) years.

Councilman Sformo asked why the Town has to do this. Mr. Lockwood reiterated that the Community Development Block Grant Program requires the applicant to be a municipality; an Agency cannot be the applicant.

NEW BUSINESS

The GAM Meeting will be held on October 15th at the Bethany Town Hall. Be sure to call for reservations if you plan on attending.

Communication has been received from Kelko LLC regarding the possible purchase of the former Boulder Park property. The letter indicated that, due to the assessment on the property they want to sell off lots. They want to give the Town of Pembroke first option to purchase it. The Board agreed that they did not want to get involved.

Councilman Sformo said that we should look into what their assessment problem is. Councilman Mallory stated that is up to the Kelkenburgs to file a grievance with the Assessment Board of Review. Mrs. Conti agreed; they will have an opportunity to file a grievance.

Councilman Sformo said that he wanted the information from Mrs. Conti regarding Kelko for the last few years. Mrs. Conti said that she will print it out for him.

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All Councilmen having been provided a copy of the Tentative Budget, Supervisor Tuttle gave a brief overview of the contents. The Budget Workshop will be held at the Regular Workshop on October 28, 2009. He asked that the Board look it over and call him with any questions they may have.

PUBLIC PARTICIPATION

Tom Schneider, ZBA Chairman, said that he would just like to say again that he supports Shellye Dale-Hall being hired as fulltime. He has heard some complaints that she is not here during the day.

Supervisor Tuttle said that appears to be the only complaint we have had; the lack of availability.

Supervisor Tuttle discussed the SEQR process that was the subject of the latest County Planning & Zoning training. He would like to have the SEQR brought to the attention of the Town Board on any large projects that are being planning in Pembroke. This way the Board will be aware of anything before it happens.

RESOLUTIONS

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

RESOLUTION # 61 – 2010 Performance Bond

RESOLVED that the Town Board of the Town of Pembroke approves the sum and form of the Performance Bond in the amount of \$500,000 for the tax collection for the year 2010.

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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 De Wind, AYE; Supervisor Tuttle, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION # 62 – Purchase of Truck

WHEREAS a request has been made by the Town of Pembroke Highway Superintendent to purchase a new Ford F450 truck, to replace the 2002 Ford F550; and

WHEREAS the purchase of said pickup follows the guidelines for equipment replacement for the Town of Pembroke, and is to be purchased thru New York State Bid for a cost of \$34,000.00 from Van Bortel Ford, 7235 Rt. 96, Victor, NY 14534; and

WHEREAS the cost of the truck was properly budgeted for in the 2009 Town of Pembroke working budget, and this expenditure would not create any further expense to the Town of Pembroke; **NOW, THEREFORE, BE IT**

RESOLVED that the Town of Pembroke hereby approves the purchase of a F450, new cab & chassis, for the sum of \$34,000.00

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

RESOLUTION #63 – Authorization to submit a grant application to the Office of Community Renewal.

WHEREAS, Yancey's Fancy, Inc. plans to undergo an expansion at its business location at 857 Main Road, Corfu, New York in the Town of Pembroke, and

WHEREAS, Yancey's Fancy, Inc. requires financial support from the New York State's Office of Community Renewal to finance part of the project, and

WHEREAS, the Office of Community Renewal has formally invited the Town of Pembroke to submit a grant application in the amount of \$166,000. **NOW, THEREFORE, BE IT**

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RESOLVED, That the Pembroke Town Council hereby authorizes the Supervisor to submit a grant application in the amount of \$166,000 to the Office of Community Renewal, and Be it further

RESOLVED, That the Pembroke Town Council authorizes the Supervisor to execute all other necessary documents associated with the Office of Community Renewal grant approval, subject to review by counsel, and Be it further

RESOLVED, That the Pembroke Town Council authorizes the Supervisor to serve as "Certifying Officer" for the purposes of assuring compliance with all federal environmental regulations and representing the Town of Pembroke in any challenge to such compliance of the Office of Community Renewal grant.

On **MOTION** of Councilman Arnold, seconded by Supervisor Tuttle, the following

RESOLUTION was **ADOPTED** by roll call vote: Councilman Arnold, AYE;

Councilman Mallory, AYE; Councilman Sformo, AYE; Councilman De Wind, AYE;

Supervisor Tuttle, AYE.

ALL AYES - MOTION CARRIED

RESOLUTION #64 – Contract Renewal – Neopost/Lineage

RESOLVED, the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to enter into a renewal contract with, Lineage, formerly Advanced Business Machines, for the renewal of a sixty-three (63) month contract for two (2) Neopost postal machines, including maintenance at a rate of \$220.00 per month

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 De Wind, AYE;

Supervisor Tuttle, AYE.

ALL AYES - MOTION CARRIED

RESOLUTION # 65 – Creation of Budget Line Item

WHEREAS a request has been received from the Corfu Fire District to assist in funding the Fire Safety Program, conducted at the Pembroke Intermediate School; and,

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WHEREAS the Town of Pembroke Town Board, after discussion, approved the support of \$100.00, **NOW, THEREFORE, BE IT**

RESOLVED the Town of Pembroke Town Board creates Line A3989.4 for other public safety needs and transfers \$100.00 from Line A1990.4 (Contingent) to A3989.4 to support this effort.

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; Supervisor Tuttle, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION #66 of 2009 – Abstract #10 of 2009

RESOLVED, that the Supervisor be authorized to pay all claims of Abstract #10 of 2009 General and Highway.

On **MOTION** of, Councilman Arnold, seconded by Councilman Mallory, to adjourn the meeting at 8:46 P.M.
ALL AYES – CARRIED.

Respectfully submitted,

Andrea M. Davis, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF OCTOBER 14, 2009 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.