

**MINUTES** of the **Special Meeting** of the Pembroke Town Board held on May 29, 2012 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: Edwin F. Mileham Jr., Supervisor  
John Worth, Councilman  
Peter Sformo, Councilman  
Edward Arnold, Jr., Councilman  
Gary DeWind, Councilman

OTHERS PRESENT: Nicole M. Begin, Town Clerk.

The Special Meeting, advertised in accordance with New York State Town Law Chapter 4 ss 4-3, was called to order by Supervisor Mileham at 7:07 P.M.

Supervisor Mileham said that the purpose of the Special meeting is for the Town Board to vote on the establishment of Sewer District #1. A Public Hearing was held on May 24<sup>th</sup>, 2012 at 7:00 P.M.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE; Supervisor Mileham, AYE.

ALL AYES - MOTION CARRIED

**RESOLUTION # 36 of 2012** – Resolution for Establishment of Sewer District #1 after Public Hearing

**WHEREAS**, on April 26, 2012, the Town Board of the Town of Pembroke, duly adopted a resolution directing Clark Patterson Lee, Thomas Carpenter, P.E., the Town Engineer of the Town of Pembroke to supervise the preparation of a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Pembroke, wherein Sewer District #1 was proposed to be established, as hereinafter described, and

**WHEREAS**, after the said Town Engineer duly filed said map, plan and report in the office of the Town Clerk of the Town of Pembroke, the said Town Board did, on May 9, 2012, duly adopt an order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the town clerk's office for public inspection and specifying that said Town Board shall meet at the Pembroke Town Hall, 1145 Main Road Corfu, New York on the 24<sup>th</sup> day of May 2012 at 7pm, for the purpose of conducting a public hearing on such proposal to establish the Sewer District #1 with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

**WHEREAS**, copies of said order were duly published and posted according to law, and

said Town Board did, at the time and place specified in said order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

**WHEREAS**, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made; **NOW, THEREFORE, BE IT**

**RESOLVED**, by the Town Board of the Town of Pembroke, in the County of Genesee, that it be and hereby is determined as follows:

A. The notice of hearing was published and posted as required by law and is otherwise sufficient.

B. That all of the property and property owners, within the proposed Sewer District #1 are benefited thereby.

C. That all of the property and property owners benefited are included within the proposed Sewer District #1.

D. It is in the public interest to establish the proposed Sewer District #1 as hereinafter described, and **BE IT FURTHER**

**RESOLVED**, that the Town Board does hereby approve the establishment of Sewer District #1 as hereinafter described to be known as Sewer District #1:

All that tract or parcel of land situated in the Town of Pembroke, County of Genesee, State of New York, described as follows:

Beginning at a point being the intersections of the centerlines of Alleghany Road, New York State Route 77 (66.0' wide right-of-way) and Cohocton Road (66.0' wide right-of-way); thence,

1. Westerly, along the centerline of Cohocton Road, a distance of 511 feet, more or less, to a point being 500 feet westerly of and parallel to the centerline of Alleghany Road; thence,
2. Northerly, along a line 500 feet westerly of and parallel to the centerline of Alleghany Road, through the lands of tax account numbers 19-1-46.116 and 19-1-50.111, a distance of 1,820 feet, more or less, to a point on the southerly line of tax account number 19-1-53.2; thence,
3. Westerly, along the southerly line of tax account number 19-1-53.2, a distance of 137 feet, more or less, to the southwesterly corner of tax account number 19-1-53.2; thence,
4. Northerly, along the westerly line of tax account number 19-1-53.2, a distance of 907 feet, more or less, to the northwesterly corner of tax account number 19-1-53.2; thence,
5. Westerly, along a southerly line of tax account 19-1-13, a distance of 602 feet, more or less, to the southwest corner of tax account number 19-1-13; thence,

6. Northerly, along the westerly lines of tax account numbers 19-1-13, 19-1-75, and 19-1-73.1, a distance of 2,072 feet, more or less, to a point on the westerly line of tax account number 19-1-73.1 being 500 feet southerly of and parallel to the centerline of Old Buffalo Road, New York State Route 5 (99' wide right-of-way); thence,
7. Westerly, along a line 500 feet southerly of and parallel to the centerline of Old Buffalo Road, through the lands of tax account number 19-1-10.1, a distance of 1,418 feet, more or less, to a point along the easterly line of tax account number 19-1-11.11; thence,
8. Southerly, along the easterly line of tax account number 19-1-11.11, a distance of 19 feet, more or less, to the southeasterly corner of tax account number 19-1-11.11; thence,
9. Westerly, along the southerly line of tax account number 19-1-11.11 and the westerly extension of the southerly line of tax account number 19-1-11.11, a distance of 158 feet, more or less, to a point on the centerline of Lovers Lane Road (49.5' wide right-of-way); thence,
10. Northerly, along the centerline of Lovers Lane Road, a distance of 219 feet, more or less, to a point being the easterly extension of the southerly line of tax account number 19-1-2.112; thence,
11. Westerly, along the easterly extension of the southerly line of tax account number 19-1-2.112 and the southerly line of tax account number 19-1-2.112, a distance of 252 feet, more or less, to the southwesterly corner of tax account number 19-1-2.112; thence,
12. Southerly, along the easterly line of tax account number 19-1-2.115, a distance of 546 feet, more or less, to the southeasterly corner of tax account number 19-1-2.115; thence,
13. Westerly, along the southerly line of tax account number 19-1-2.115, a distance of 871 feet, more or less, to the southwesterly corner of tax account number 19-1-2.115; thence,
14. Northerly, along the westerly line of tax account number 19-1-2.115, a distance of 487 feet, more or less, to a point being 500 feet southerly of and parallel to the centerline of Old Buffalo Road; thence,
15. Westerly, along a line 500 feet southerly of and parallel to Old Buffalo Road, through the lands of tax account number 18-2-23.11, a distance of 810 feet, more or less, to a point on the easterly line of tax account number 18-2-22.2; thence,
16. Southerly, along the easterly line of tax account number 18-2-22.2, a distance of 788 feet, more or less, to the southeasterly corner of tax account number 18-2-22.2; thence,
17. Westerly, along the southerly line of tax account number 18-2-22.2, a distance of 258 feet, more or less, to the southwesterly corner of tax account number 18-2-22.2; thence,
18. Northerly, along the westerly line of tax account number 18-2-22.2, a distance of 853 feet, more or less, to a point being 500 feet southerly of and parallel to the centerline of Old Buffalo Road; thence,
19. Westerly, along a line 500 feet southerly of and parallel to the centerline of Old Buffalo Road, through the lands of tax account number 18-2-21, a distance of 1,276 feet, more or less, to a point being on the southerly line of the Governor Thomas E. Dewey Thruway; thence,

20. Northeasterly, along the southerly line of the Governor Thomas E. Dewey Thruway, across Old Buffalo Road, and continuing along the southerly line of the Governor Thomas E. Dewey Thruway, a distance of 2,892 feet, more or less, to the northeasterly corner of tax account number 14-2-24.21; thence,
21. Southerly, along the easterly line of tax account number 14-2-24.21, a distance of 1,366 feet, more or less, to a point being 500 feet northerly of and parallel to the centerline of Old Buffalo Road; thence,
22. Easterly, along a line 500 feet northerly of and parallel to the centerline of Old Buffalo Road, through the lands of tax account numbers 15-1-27 and 15-1-2, a distance of 3,801 feet, more or less, to a point on the centerline of Alleghany Road; thence,
23. Northerly, along the centerline of Alleghany Road, a distance of 59 feet, more or less, to a point being the westerly extension of the northerly line of tax account number 15-1-18; thence,
24. Easterly, along the westerly extension of the northerly line of tax account number 15-1-18 and the northerly line of tax account number 15-1-18, a distance of 546 feet, more or less, to the northeasterly corner of tax account number 15-1-18; thence,
25. Southerly, along the easterly line of tax account number 15-1-18 and the southerly extension of the easterly line of tax account number 15-1-18, a distance of 550 feet, more or less, to a point on the centerline of Old Buffalo Road; thence,
26. Westerly, along the centerline of Old Buffalo Road, a distance of 60 feet, more or less, to a point being 500 feet easterly of and parallel to the centerline of Alleghany Road; thence,
27. Southerly, along a line 500 feet easterly of and parallel to the centerline of Alleghany Road, through the lands of tax account numbers 19-1-16, 19-1-17.12, 19-1-36.1, 19-1-35.11 and 19-1-41, a distance of 5,205 feet, more or less, to a point on the southerly line of tax account number 19-1-41; thence,
28. Westerly, along the southerly line of tax account number 19-1-41 and the westerly extension of the southerly line of tax account number 19-1-41, a distance of 503 feet, more or less, to the centerline of Alleghany Road; thence,
29. Southerly, along the centerline of Alleghany Road, a distance of 63 feet, more or less, to a point being the intersections of the centerlines of Alleghany Road, New York State Route 77 and Cohocton Road, also being the point of beginning.

All as shown on a map prepared by Clark Patterson Lee, "Sanitary Sewer District No. 1 – Proposed Sanitary Sewer District", Drawing Number SD-01, dated May 7, 2012.

Town of Pembroke Sanitary Sewer District No. 1, as described above contains approximately 323.27 acres of land, and **BE IT FURTHER**

**RESOLVED**, that the following improvements in said district be constructed upon the required funds being made available or provided for: Installing approximately 8,500 linear feet of 8 and 12 inch diameter sanitary sewer gravity main and 12,850 linear feet of 6 inch sanitary sewer

force main for the district that will serve approximately 26 residents, 5 businesses, the Pembroke Central School District High School, the Town of Pembroke Town Hall and the Town of Pembroke Town Park, and **BE IT FURTHER**

**RESOLVED**, that the proposed improvements, including cost of rights of way, construction costs, legal fees and other expenses shall not exceed the said sum of \$3,204,025.00 (Three Million Two Hundred Four Thousand Twenty-five Dollars and no/100) which shall be financed by a Water Quality Improvement Project Grant of \$2,520,000.00 (Two Million Five Hundred Twenty Thousand Dollars and no/100) and the issuance of \$474,025.00 (Four Hundred Seventy Four Thousand Twenty-Five Dollars and no/100) in serial bonds of the Town at an interest rate not to exceed 4.00% (Five and two tenths per centum) per annum, for a total cost to the typical property owner of \$724 in the first year of operation, and **BE IT FURTHER**

**RESOLVED**, that this Resolution is subject to a permissive referendum in the manner provided in Article Seven of the Town Law and subdivision 3 of Section 209-e of the Town Law.

This Resolution shall take effect immediately.

On **MOTION** of Councilman Sformo, seconded by Councilman Arnold, to adjourn the special meeting at 7:09 P.M.  
ALL AYES – CARRIED.

Respectfully submitted,

---

Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE SPECIAL MEETING OF THE PEMBROKE TOWN BOARD OF MAY 29, 2012 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.