

MINUTES of the Regular Meeting/Public Hearing of the Pembroke Town Board held on **July 11, 2012** at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: Edwin F. Mileham Jr., Supervisor
Edward G. Arnold, Jr., Councilman
John J. Worth, Councilman
Gary L. De Wind, Councilman

ABSENT: Peter G. Sformo, Councilman

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Richard Kutter, Planning Board Chairman; Thomas Schneider, ZBA Chairman; William & Susan Joyce.

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

The regular monthly meeting was declared open at 7:06 P.M.

The **Public Hearing** for Local Law #1 of 2012, A Local Law to Amend Local Law # 2 of 1998 of the Peddlers Law, was called to order at 7:07 P.M. Nicole Begin reported she had the Notice of Public Hearing as printed in the Daily News as well as posted on the Town's bulletin board, the Affidavit of Posting, and the Certification of Distribution to Board Members.

**PUBLIC HEARING
LOCAL LAW #1 OF 2012
“A Local Law to Amend Local Law # 2 of 1998 of the Peddlers Law”**

Supervisor Mileham explained that the change to this Local Law was to give the Town Board authority to increase the cost of a Peddlers Permit by Town Board Resolution.

There were no changes or discussion from the Public or Board Members.

On **MOTION** of Councilman Worth, seconded by Councilman Arnold, to close the Public Hearing at 7:09 P.M.

ALL AYES - MOTION CARRIED.

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

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind, to approve the Minutes of the Regular Meeting - June 13th, 2012, the Special Meeting - June 20th, 2012, and the Workshop & Bid Opening – June 28th, 2012

ALL AYES - MOTION CARRIED.

PUBLIC PARTICIPATION

Historian Lois Brockway informed the Town Board that the new history books are in and are \$10.00 each. Mrs. Brockway also stated that she was very proud of the Town Board and that she as well as others thought that the Bicentennial Opening Ceremony was fantastic. She also thanked the High Point Church for the wonderful job with the fireworks and stated that “they brought the Town into the next 200 years with a bang!”

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

Mrs. Conti said that her office is currently placing files descriptions of the record cards for 2013. There is a travel request for Assessor’s training and the cost would be split among the Town’s currently assessed by Mrs. Conti.

ZONING & CODES ENFORCEMENT – Shellye Dale-Hall

Supervisor Mileham reviewed the Zoning & Codes reports. Three complaints have been received in June and they are all resolved. There have been more building permits issued this summer than in 2011.

HIGHWAY – Stephen Stocking

Superintendent Stocking reported that the highway department will be paving Phelps Rd. on the week of July 23rd they will also pave the back part of the parking lot at the Town Hall. The Highway crew is busy oiling and stoning with Oakfield, Alabama and Darien. The highway crew has laid drainage pipe and put in walkways at the Town Park for the transitions from the parking lot to the football field. They are also placing large rocks on the North side of the driveway to stop cars from driving on the football field. The State requested a truck from the Town to help with the Road work they are doing on Main Road. The state is paving Main Road from the Erie County line to route 77.

Superintendent Stocking has had some residents ask if it was legal to roof and side a storage container/trailer. The questions are stemming from a recent complaint which led to court hearings regarding a container/trailer that the Town requested be removed. ZBA Chairman Schneider said that the zoning law could be changed to be more specific in regards to shipping containers. The planning board could then issue a special use permit in certain cases and stipulations could be made for maintenance and upkeep of the shipping container. The Planning and ZBA Chairmen will work on a solution.

TOWN CLERK – Nicole M. Begin

Town Clerk Begin is still working on the acceptance of credit cards as a form of payment at the Town Hall offices. The clerk’s in the Town Clerk’s office took a mandatory webinar for the NYS DECALS program. The training was needed to enable the clerk’s office to continue selling hunting licenses for the upcoming hunting season.

PLANNING BOARD – Richard Kutter

Chairman Kutter said the Planning Board denied a special use permit for a storage building in June. Mr. Kutter said that the reason for the denial is that a contractors yard is not an allowable use in an ag-residential district and the neighbors were also against it.

ZONING BOARD OF APPEALS – Thomas Schneider

Chairman Schneider said that there are three public hearings scheduled for July 18th. One is a use variance for a storage container, one is a side yard variance for an addition, and the last is a garage demolition and rebuild with a change in location.

JUSTICES – Alexander & O'Connor

The June Justice reports were submitted and filed. There were 504 cases brought before the court in June. Supervisor Mileham reviewed the reports.

SUPERVISOR – Edwin F. Mileham, Jr.

Supervisor Mileham reported that the Supervisor monthly reports were submitted and filed. Mr. Mileham said that the pavilion bid for the Town park pavilion was awarded to Thompson builders and the building should be up by July 27th, 2012.

COMMITTEE REPORTS**Audit, Finance, Insurance, Investment & Purchasing & IT** – John Worth & Ed Mileham

- Mr. Worth said that the Docuware program was installed and training for the program is ongoing and by mid July should be finished. Last week a transformer blew on Alleghany Road and damaged a lot of equipment but everything is up and running.

Building & Grounds, Highway, Assessment, Court – Gary DeWind & Ed Arnold

- Nothing to report at this time.

Planning, Zoning, Code Enforcement, Public Safety - Ed Mileham & Ed Arnold

- The speed bumps for the town park are at the Town hall in will be installed when the highway department has some free time.

Public Services, Water, Sewer, Refuse/Recycling, Economic, Intermunicipal, & Community Development – Gary DeWind & Peter Sformo

- Mr. DeWind said that the sewer project is in the works and we should have more updates in the next few weeks.

Youth Recreation, Parks and Land Acquisition - Gary DeWind & Ed Arnold

- Mr. DeWind said that the pavilion, drainage pipes, walkways and rock placement in the Town park are much needed improvements. The speed bumps will also be a huge asset and will hopefully help to stop the complaints at the Town Park.

- Mr. Arnold said that there is a resolution to ask for a \$1,000.00 deposit for the purchase of the Mertie Doll property next to the park.

Human Resources/Benefits – Ed Mileham & Ed Arnold

- Nothing to report at this time.

Cemeteries – Gary DeWind & Peter Sformo

- Mr. DeWind said that Craig Wolcott will be revitalizing 15 cemetery stones at the Brick House/ Old Buffalo Road cemetery on Main Road. There will also be posts installed at the Richville cemetery on Back Street to mark out the cemetery property. There are 62 people buried at the Richville cemetery.

OLD BUSINESS

Everything on the agenda was covered in the reports above.

NEW BUSINESS

Supervisor Mileham said that stove at the community center is leaking gas and is in need of repair or replacement but the stove is legally owned by the Corfu Fire department. In 2011 the fire department stated that the Town could have the stove. The building committee will work with the Corfu Fire department to get something legally in writing for the transfer of the stove to the Town of Pembroke.

Mr. Mileham said that D&D alarms came in to look at the wiring at the Town Hall and to see what was needed to install panic and fire alarms. He will have a price for the board shortly.

RESOLUTIONS

RESOLUTION # 47 of 2012 – Standard Work Day and Reporting

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

THREE AYES – ONE NAY - MOTION CARRIED

BE IT RESOLVED that the Town of Pembroke hereby establishes the following as standard work days for the listed elected and appointed officials and will report the following days worked to the New York State and Local Employee's Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

****SEE ATTACHED****

RESOLUTION # 48 of 2012 – Adoption of Local Law No. 1 of the Year 2012

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

TOWN OF PEMBROKE
Local Law No. 2 of The Year 2012

AMENDMENT OF LOCAL LAW #2 of 1998
A Local Law Regulating And Licensing Peddlers And Solicitors
Within The Town Of Pembroke

SECTION 1: TITLE

The title of this law shall be “A LOCAL LAW REGULATING AND LICENSING PEDDLERS AND SOLICITORS WITHIN THE TOWN OF PEMBROKE”.

SECTION 2: PURPOSE

This local law is enacted for the purpose of regulating itinerant merchandising and performing of services in order that the peace, health, safety, welfare and good order in the Town of Pembroke, and of the inhabitants thereof, shall not be endangered or unduly disturbed.

SECTION 3: DEFINITION OF TERMS

Terms used in this local law shall have the following meanings:

- (a) Vendor, hawker or peddler: Any person either principal or agent, who, from any vehicle, or any public road or public place or by going from house to house or place of business to place of business, on foot or from any animal or vehicle, sells or barter, offers for sale or barter, or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers, and food distributed on regular customer routes.

- (b) Solicitor: Any person who goes from place to place, or house to house, to who stands in any roadway or public merchandise, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future deliver. The term “solicitor” shall not apply to a person selling milk, newspaper, and food distributed on regular customer routes.

- (c) Person: Any individual, firm, partnership, corporation, unincorporated association and any principal, agent or employee thereof and all other entities of any kind.

SECTION 4: LICENSES

It shall be unlawful for any person whether or not exempt from the provisions of this local law within the limits of the Town of Pembroke to act as a vendor, hawker, peddler, or solicitor without first having obtained and paid for, and having in force and effect, a license therefore.

SECTION 5: EXEMPTIONS

- (A) This local law shall not be held to apply to any sales conducted pursuant to statute or by order of any court; to any person selling personal property at wholesale to dealers in such articles; to persons under the age of eighteen (18) years; to farmers and truck gardeners, who themselves or through their employees vend, sell or dispose of products of their own farms and gardens; to persons having an established place of business within the County of Genesee or their employees soliciting orders from customers and delivering the same; to any honorably discharged member of the Armed Forces who has procured a license issued by the Genesee County Clerk as provided by the General Business Law of the State of New York. This local law shall also not apply so as to unlawfully interfere with interstate commerce. Non-profit organizations and persons working for said organizations shall also be exempt.
- (B) Except for non-profit organizations, persons exempt from the terms of this local law nevertheless register with the Pembroke Town Clerk before doing any of the acts described in local law, shall indicate the type of activities to be undertaken and the time when they will be performed. They shall further receive from the Pembroke Town Clerk, n less often than annually, a license at no charge indicating that they have so registered.

SECTION 6: APPLICATION FOR LICENSE

Any person desiring to procure a license under this local law shall submit to the Town Clerk a written application n duplicate, to be supplied by the Town Clerk, stating under oath, the following information:

- (a) name of applicant
- (b) permanent home address
- (c) name and address of firm represented, if any
- (d) length of time for which the license is requested
- (e) social security number
- (f) date of birth
- (g) physical description of the applicant

- (h) the license number and kind of vehicle to be used by the applicant in carrying on the business for which the license is desired
- (i) the kind of goods, wares and merchandise desired to be sold or the kind of service to be performed
- (j) the method of distribution, if applicable
- (k) name and address of all partners, if a partnership, and the names and addresses of the principal officers, if a corporation, and the name and addresses of a natural person upon whom a legal notice of process may be served within the State of New York
- (l) all felonies or misdemeanors with which the applicant has been convicted together with the disposition date and court having jurisdiction thereof.
- (m) if the applicant has one or more employees who will work within the Town, the same information as hereinabove set forth must be supplied as to each and every employee before the issuance of any license
- (n) a certificate from the Genesee County Sealer of weights and measurers certifying that all weighing and measuring devices to be used by the applicant, if any have been examined and approved.

SECTION 7: SOLICITOR'S BOND

An application for a license as a solicitor who demands, accepts or receives payment or deposit of money in advance of final delivery, shall file with the Pembroke Town Clerk a cash deposit or a bond executed by a surety company or insurance company licensed to do business within the State of New York in the sum of One Thousand Dollars (\$1,000.00), conditioned upon making a final delivery of the goods, wares or merchandise ordered or services to be performed in accordance with the terms of any order obtained, or failing therein, that the advance payment on such order be refunded. Any person aggrieved by the action of any licensed solicitor shall have the right by action on the bond for the recovery of money or damages, or both. The bond shall remain in full force and effect and in case of cash deposit, such deposit shall be retained by the Pembroke Town Clerk for a period of three (3) months after the expiration of any such license, unless sooner released by the Pembroke Town Board for good cause shown.

SECTION 8: ISSUANCE OF LICENSE CONDITIONS

- (a) The Town Clerk with assistance from such law enforcement agencies as she shall deem necessary, shall investigate all applications and shall thereafter, with due dispatch, issue or deny such license to the applicant. All licenses shall become effective from the date thereof and shall continue in force for the term specified therein, but shall not be transferable. No license shall be issued for a longer term than one (1) year from the date thereof.

- (b) If, after investigation of any application, the Town Clerk shall deny the same, she shall endorse on such application such disapproval and the reason for the same and the Town Clerk shall forthwith notify the applicant in writing of such denial and of his right to appeal as hereinafter set forth. A license may be refused by the Town Clerk if the applicant shall have been convicted of a misdemeanor or felony which in the judgment of the Town Clerk renders the applicant unfit or undesirable to carry on the purpose for which the license is requested. In addition, the own Clerk may also refuse a license to any person who in her judgment shall be an undesirable person or incapable of properly conducting the trade or business for which the license has been requested.
- (c) Any Licensee aggrieved by any action or determination of the Town Clerk hereunder may appeal to the Pembroke Town Board for the issuance of a license within fourteen (14) days after notice of the action or determination complained of has been mailed to his last known address by filing a written statement setting forth fully the grounds for appeal. The Town Board shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to the applicant's last known address at least five (5) days prior to the date set for the hearing. The decision and order of the Town Board on such appeal shall be final and conclusive.
- (d) After a public hearing thereon at which the licensee shall have an opportunity to be heard, the Town Board may revoke any license issued under authority of this local law to any applicant whom the Town Board shall determine to be an undesirable person or incapable of properly conducting the trade or business previously licensed.
- (e) A license shall not be assignable.
- (f) The holder of a license shall not permit it to be used by any other person.
- (g) Whenever a license is lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof, under the original application and bond, may be issued by the Town Clerk upon the filing with her by the licensee of an affidavit under oath, setting forth the circumstances of the loss and what, if any, search has been made for its recovery.
- (h) All licenses shall be issued from a properly bound book with proper reference stubs for that purpose, numbered in that order in which they are issued and shall state clearly the kind of vehicle to be used, the kind of goods, wares and merchandise to be sold or service to be rendered, the number of each license, the date of issuance and expiration of the license, fee paid and the name and address of the licensee.

- (i) Such license shall include the right to use only one (1) vehicle in carrying on the business for which the person is licensed, unless such license shall otherwise provide.
- (j) No license shall be granted to a person under eighteen (18) years of age.
- (k) Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand.

SECTION 9: LICENSE ISSUANCE AND FEES

The license fee shall be twenty—five dollars (\$25.00) per year. If the licensee hires or employs or in any way uses other persons to work for him such persons shall also be licensed in accordance with the provisions of this local law except that the license fee for each additional person shall be ten dollars (\$10.00) per year. The license fee is subject to change or modification by Town Board resolution at any time.

SECTION 10: HOURS OF BUSINESS

It is unlawful for any person to enter upon private property for the purpose of peddling or soliciting before the hour of 9:00 A.M. of any day or after one half hour before sunset of any day, or after the hour of 7:00 P.M. of any day, except upon the invitation of the householder or occupant.

SECTION 11: POSTED PREMISES

It is unlawful for any peddler or solicitor in plying his trade to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: “No Peddlers”, “No Solicitors”, “No Agents”, or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises. No peddler or solicitor shall peddle, vend or sell his or her goods or wares within two hundred (200) feet of any place occupied exclusively as a public or private school or for school purposes, nor shall he or she permit his or her car, wagon or vehicle to stand on any public highway within said distance of such school property.

SECTION 12: MISREPRESENTATION

No peddler or solicitor shall falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale. No person shall, by any trick or device, or by any false representation, obtain or attempt to obtain admission to the house, garage or barn of any person, firm or corporation in the Town of Pembroke.

SECTION 13: NOISE

No peddler or solicitor will blow a horn, ring a bell or use any other noisy device to attract attention to his wares, or shout or cry out his wares.

SECTION 14: ORDERS

All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery, shall be in writing made in duplicate, stating the terms thereof, the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit is paid to the solicitor.

SECTION 15: PENALTIES

Any person who himself or by his agent, servant or employee shall act as peddler, hawker or solicitor as herein defined, without a license, or who shall violate any of the provisions of this local law, or who shall continue to act as a peddler, hawker or solicitor subsequent to the revocation or expiration of his license, shall be deemed to have committed a violation pursuant to the Penal Law of the State of New York and, upon conviction, shall be punished by a fine not exceeding two hundred and fifty dollars (\$250.00) or by imprisonment for a period of not more than fifteen days (15), or both. Each day on which such violation shall continue shall constitute a separate offense. This local law may also be enforced by injunction, or as otherwise permitted by law.

SECTION 16: SIGNS

Appropriate signs as the Town Board of the Town of Pembroke shall deem necessary, shall be erected by the highway department of the Town of Pembroke, at such places as the Town Board directs, within the Town of Pembroke, advising of the existence of this local law.

SECTION 17: SEVERABILITY

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 18: EFFECTIVE DATE

This local law shall take effect immediately upon the filing with the Secretary of State in accordance with Section 27 of the New York State Municipal Home Rule Law.

RESOLUTION # 49 of 2012 – Justice Court Assistance Program

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

WHEREAS the New York State Office of Court Administration is offering the Justice Court Assistance Program Grant for 2012-2013; and,

WHEREAS the Town of Pembroke Justices have requested permission to apply to the program for various office supplies and items related to the safe and efficient operation of the Town Courts; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board authorizes the Town Justices to apply to the Justice Court Assistance Program in an amount not to exceed the maximum amount available.

RESOLUTION # 50 of 2012 – Final Order - Establishment of Sewer District No. 1 in the Town of Pembroke, Genesee County, New York

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

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| In the Matter | : | |
| of | : | |
| The establishment of Sewer District No. 1 | : | FINAL ORDER |
| in the Town of Pembroke, | : | |
| Genesee County, New York | : | |
| | : | |

WHEREAS, the Town Board of the Town of Pembroke, Genesee County, New York, has heretofore duly caused a map, plan and report, including an estimate of cost, to be prepared by Clark Patterson Lee, Thomas Carpenter, a competent engineer, duly licensed by the State of

New York, which have been filed in the office of the Town Clerk of said Town in relation to the establishment of the Sewer District No. 1 in said Town; and

WHEREAS, 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

WHEREAS, the maximum amount proposed to be expended for said improvements is \$3,744,025.00; and

WHEREAS, an order was duly adopted by said Town Board on May 9th, 2012, reciting a description of the boundaries of said proposed Sewer District No. 1, the improvements proposed therefor, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection, and specifying the 24th day May, 2012, at 7:00 o'clock P.M., at the Town Hall, Route 5, Pembroke, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing, and based upon the evidence given thereat, said Town Board on May 29th, 2012, duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and approving the establishment of said Sewer District No. 1, such resolution being adopted subject to permissive referendum; and

WHEREAS, notice of the adoption of said resolution of said resolution was duly published and posted in the manner provided by applicable provisions of the Town Law, and proof of said publication and posting has been duly presented to this Town Board; and

WHEREAS, the estimated cost of Sewer District No. 1 to the typical property therein is \$724.00 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid; and

WHEREAS, based upon such estimated costs and fees, an application to the Office of the State Comptroller is not required;

NOW THEREFORE, IT IS HEREBY;

ORDERED, by the Town Board of the Town of Pembroke, Genesee County, New York, as follows:

Section 1 Sewer District No. 1, in the Town of Pembroke, Genesee County, New York, is hereby established, to be bounded and described as follows;

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 southwest 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 southwest 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 southwest 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.

Section 2. that the following improvements in said district be constructed upon the required funds being made available or provided for as follows: 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. The maximum estimated cost to said Sewer District No. 1 pursuant to these proceedings for said improvements shall not exceed \$3,744,025.00. Said cost of said improvements for said District shall be financed by receiving a Water Quality Improvement Project (WQIP) grant of \$2,520,000.00, a grant of \$750,000.00 from the Genesee County Economic Development Center, and the issuance of \$474,025.00 in Serial Bonds of the Town at an interest rate not to exceed 4.00% for a 30 year term, payable in the first instance from assessments levied on benefitted real property in the proposed district.

Section 3. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Genesee County, New York, within ten (10) days after the adoption of this order by this Town Board and to file a certified copy thereof within that time in the office of the State Department of Audit and Control, in Albany, New York, both pursuant to subdivision 1 of Section 209-g of the Town Law.

Section 4. This order shall take effect immediately.

RESOLUTION # 51 of 2012 – Assessor Attendance - 2012 Training School & Meeting

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

WHEREAS Deborah J. Conti, Assessor, is requesting permission to attend the Annual Assessor Training School and Meeting September 30th to October 3rd, 2012 in Lake Placid, NY; and

WHEREAS monies for this Educational Training are in the 2012 budget; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board grants permission to Deborah J. Conti, Assessor, to attend the above mentioned Educational Training.

RESOLUTION # 52 of 2012 – Deposit for purchase of Doll property at 8783 Allegheny Road

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

WHEREAS the Pembroke Town Board by board resolution has resolved to purchase the property next to the Pembroke Town Park at 8783 Allegheny Road; and

WHEREAS it has been agreed upon that the Town would put down a good faith deposit of \$1,000.00 to secure the purchase of the property; **NOW, THEREFORE BE IT**

RESOLVED that the Town Board agrees to pay a deposit in the amount of \$1,000.00 to secure the purchase of the Doll property next to the Pembroke Town Park at 8783 Allegheny Road.

RESOLUTION # 53 of 2012 - Payment of Abstract 7 of 2012

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

BE IT RESOLVED that the Town of Pembroke Town Board, authorizes the Town of Pembroke Supervisor to make all payments and bills contained in Abstract 7 of 2012.

RESOLUTION # 54 of 2012 – Cemetery Fee structure for North Pembroke Cemetery

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

BE IT RESOLVED that the Town Board of the Town of Pembroke adopts the fee structure for North Pembroke Cemetery that is currently used for the Brick House/Old Buffalo Road Cemetery.

On **MOTION** of Councilman Worth, seconded by Councilman DeWind, to adjourn the meeting at 8:00 P.M.
ALL AYES – CARRIED.

Respectfully submitted,

Nicole M. Begin

Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD REGULAR MEETING AND PUBLIC HEARING OF JULY 11, 2012 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.