

**MINUTES** of the **Special Meeting** of the Pembroke Town Board held on **April 17, 2013** at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Mark Boylan, Attorney; Ken Lauer, Village of Corfu Trustee.

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 7:00 P.M.

Attorney Mark Boylan explained the bond resolution paperwork that the board received. Mr. Boylan said that the amount being bonded is the local share of \$474,025.00. This amount is bonded because it may take some time to be reimbursed with the grant funds. The Town can do a revenue anticipation note for anything above that amount. The board discussed with Mr. Boylan how the soft and hard costs would be need to be documented for payments to show the Town's contribution toward the sewer project.

Mr. Boylan said that the project will move forward when the bond resolutions are approved and the NYS Attorney general and State comptroller sign the contract.

## **RESOLUTIONS**

The following resolution was offered by Councilman Peter Sformo who moved its adoption, seconded by Councilman John Worth to-wit:

**RESOLUTION # 33 of 2013 - BOND RESOLUTION**                      DATED - APRIL 17, 2013

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$474,025 SERIAL BONDS OF THE TOWN OF PEMBROKE, GENESEE COUNTY, NEW YORK, TO PAY PART OF THE COST OF IMPROVEMENTS FOR SEWER DISTRICT #1 IN THE TOWN OF PEMBROKE.

BE IT RESOLVED, by the Town Board of the Town of Pembroke, Genesee County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of improvements for Sewer District #1 in the Town of Pembroke, consisting of the construction of a sanitary sewer system, including sewer mains and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$474,025 serial bonds of the Town of Pembroke, Genesee County, New York pursuant to the provisions of the Local Finance Law.

Section 2. The project has been determined to be an "Unlisted Action" for purposes of the State Environmental Quality Review Act which the Town, as lead agency, has determined will not result in any significant adverse environmental effects.

Section 3. It is hereby determined that the maximum estimated cost of the aforesaid improvements is \$3,744,025 and that the plan for the financing thereof shall be as follows:

- (a) By the issuance of such \$474,025 serial bonds of said Town authorized to be issued pursuant to this bond resolution;
- (b) By the expenditure of \$3,270,000 grants-in-aid.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said Town of Pembroke, Genesee County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon and collected from the several lots and parcels of land within said Sewer District #1 in the Town of Pembroke in the manner provided by law, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he/she shall deem best for the interests of the Town, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he/she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt

of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, including the consolidation with other issues, shall be determined by the Supervisor.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Edwin F. Mileham Jr., Supervisor	VOTING - AYE
Edward G. Arnold Jr., Deputy Supervisor	VOTING - AYE
Gary L. DeWind, Councilman	VOTING - AYE
Peter G. Sformo, Councilman	VOTING - AYE
John J. Worth, Councilman	VOTING - AYE

ALL AYES - MOTION CARRIED

The resolution was thereupon declared duly adopted.

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 A **MOTION** was made by Councilman Worth, seconded by Councilman Arnold to sign the letter on behalf of the Village of Corfu to support a grant application through the GCEDC.  
**ALL AYES - MOTION CARRIED**  
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Supervisor Mileham reported that he was informed that Zinter Monument was willing to donate a six foot granite monument for the park if the Town is interested. The Board would need to decide what they want engraved on the monument and where/how they want it displayed. The park committee will discuss further.

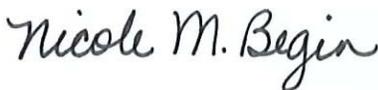
Supervisor Mileham informed the board that Security Guard Bernie Fix can get qualified with the Genesee County Sheriff’s Department in the next few weeks. Mr. Mileham asked that the Town purchase the ammunition he needs to take the qualifications. He needs approximately 250 rounds.

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 A **MOTION** was made by Councilman Sformo, seconded by Councilman DeWind to provide the ammunition needed for Bernie Fix to take his qualifications with the Genesee County Sheriff’s Department.  
**ALL AYES - MOTION CARRIED**  
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Supervisor Mileham reported that he and Mark Boylan were meeting with Tom Schneider and Shellye Dale-Hall regarding the Jeff Humel property.

On **MOTION** of Councilman Arnold, seconded by Councilman DeWind, to adjourn the special meeting at 7:29 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 APRIL 17, 2013 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.