

**MINUTES** of the **Regular Meeting and Public Hearings** of the Pembroke Town Board scheduled for March 12, 2014 but postponed and held on **March 13, 2014** (due to Blizzard conditions) at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: John J. Worth, Deputy Supervisor  
Peter G. Sformo, Councilman  
Gary L. DeWind, Councilman

ABSENT: Edward G. Arnold, Jr., Councilman

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Nathan Witkowski, ZBA Chairman; Charles Reid, Zoning & Codes Enforcement.

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

Deputy Supervisor Worth gave the invocation and led the Pledge to the Flag.

**PUBLIC PARTICIPATION** – None

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**PUBLIC HEARING No. 1**

The **Public Hearing** for Local Law # 1 of 2014, a Local Law entitled “Right to Farm Law of the Town of Pembroke”, was called to order by Deputy Supervisor Worth at 7:01 P.M. Town Clerk Begin read the Notice of Public Hearing that was printed in the Daily News and reported that the Affidavit of Posting was posted on the Town’s bulletin board.

**PUBLIC HEARING  
LOCAL LAW # 1 OF 2014 - RIGHT TO FARM LAW OF THE TOWN OF PEMBROKE**

On **MOTION** of Councilman DeWind, seconded by Councilman Sformo, to close the Public Hearing at 7:40 P.M.  
ALL AYES - MOTION CARRIED.

Everyone being heard that wished to be heard the public hearing was closed at 7:40 P.M.

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**PUBLIC HEARING No. 2**

The **Public Hearing** for Local Law # 2 of 2014, a Local Law entitled “Right to Practice Forestry”, was called to order by Deputy Supervisor Worth at 7:03 P.M. Town Clerk Begin read the Notice of Public Hearing that was printed in the Daily News and reported that the Affidavit of Posting was posted on the Town’s bulletin board.

**PUBLIC HEARING  
LOCAL LAW # 2 OF 2014 - RIGHT TO PRACTICE FORESTRY**

On **MOTION** of Councilman Sformo, seconded by Councilman DeWind, to close the Public Hearing at 7:40 P.M.

ALL AYES - MOTION CARRIED.

Everyone being heard that wished to be heard the public hearing was closed at 7:40 P.M.

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**PUBLIC HEARING No. 3**

The **Public Hearing** for Local Law # 3 of 2014, a Local Law to permit the appointment of Alternate Members to the Planning Board and the Zoning Board of Appeals, was called to order by Deputy Supervisor Worth at 7:05 P.M. Town Clerk Begin read the Notice of Public Hearing that was printed in the Daily News and reported that the Affidavit of Posting was posted on the Town's bulletin board.

**PUBLIC HEARING**

**LOCAL LAW # 3 OF 2014 - A LOCAL LAW TO PERMIT THE APPOINTMENT OF ALTERNATE MEMBERS TO THE PLANNING BOARD AND THE ZONING BOARD OF APPEALS**

On **MOTION** of Councilman Sformo, seconded by Councilman DeWind, to close the Public Hearing at 7:41 P.M.

ALL AYES - MOTION CARRIED.

Everyone being heard that wished to be heard the public hearing was closed at 7:41 P.M.

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**APPROVAL OF MINUTES**

On **MOTION** of Councilman DeWind, seconded by Councilman Sformo, to approve the minutes of the Regular Meeting February 12<sup>th</sup>, 2014, and the Workshop Meeting February 27<sup>th</sup>, 2014.

ALL AYES - MOTION CARRIED.

**DEPARTMENT REPORTS**

**ASSESSOR** – Deborah Conti

- Mrs. Conti attended the GCEDC Annual Luncheon on Friday March 7<sup>th</sup> and provided the board copies of the handout that she received. Mrs. Conti also gave the board information regarding status of the possible Veterans Cemetery. The Federal Government has been working with the Native Americans and property owners to complete archeological studies so they can purchase the property. If the property was purchased it would still take a few years to prepare for burials.

ZONING & CODES ENFORCEMENT – Charles Reid

- The monthly report has not yet been submitted.
- Mr. Reid reported that the Yancey’s Fancy project had a couple of bumps in the process but it looks like all the zoning issues have finally been resolved and the project is a go.

HIGHWAY – Stephen Stocking

- No Report at this time.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed.
- Mrs. Begin reported that BAS has sent over an agreement for credit card processing and asked if the board was ok with her signing the agreement. Once the signed agreement is sent to BAS they will get the ball rolling to have a new POS (point of sale) machine installed and get us set up to accept credit cards.

PLANNING BOARD – Thomas Schneider

- No Report at this time.

ZONING BOARD OF APPEALS – Nathan Witkowski

- Mr. Witkowski reported that there was no ZBA meeting in February.
- There is a ZBA meeting scheduled for March for a homeowner that wants to construct a carport and needs a variance to do so.

JUSTICE – David O’Connor & Edwin F. Mileham, Jr.

- The February monthly reports have been submitted and filed. Justice O’Connor collected \$57,698.00, Justice Mileham collected \$6,239.00.

**COMMITTEE REPORTS**

Committee 1 - Audit, Finance, Investment, IT, Grants Youth Recreation & Court

~ Edward Arnold Jr

- No report at this time.

Committee 2 – Human Resources, Health Insurance & Benefits, Employee Handbook, Insurance

~ Gary DeWind

- No report at this time.

Committee 3 – Building & Grounds, Highway, Cemeteries and Parks/Land

~ Pete Sformo

- Councilman DeWind reported that the new HVAC unit at the Corfu building has been installed.
- The new roof over the Corfu Fire Department Door at the Corfu building is finished.

- The Community Center is being painted this weekend and the ceiling tiles will be replaced in April. The Genesee County Jail weekend crew is doing this work for the town.
- Mr. DeWind reported that a sale may be pending on the Doll property and they will have more information from the realtor soon.

Committee 4 – Planning & Zoning, Code Enforcement, Public Safety, Water, Sewer, Refuse & Recycling, Assessment

~ Councilman Peter Sformo

- Mr. Sformo reported that a public information meeting for sewer district no. 2 was held in February. There were eight residents in attendance. A letter was sent to the residents again with a response postcard that is due back to the Town by March 20<sup>th</sup>. After the postcards are received sewer district no. 2 can be formed with only the interested property owners. The property owners in sewer district no. 2 will pay the same debt service as residents in district no. 1.
- Mr. Sformo said he would like to thank the highway crew for doing a good job on the roads this winter.

Councilman Sformo asked if Highway Superintendent Stocking could look into the law and ask people to stop plowing snow across roads and leaving large piles of snow on the opposite sides of the roads. Mr. Sformo said this is a safety hazard and he believes it is against the law. The Board will have the highway Superintendent look into it.

## RESOLUTIONS

### **RESOLUTION # 22 of 2014 – Standard Work Day and Reporting**

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

**THREE AYES – MOTION CARRIED**

**BE IT RESOLVED** that the Town of Pembroke hereby establishes the following as standard work days for the listed employees, 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 # 23 of 2014 - Opposition to free collegiate education for incarcerated individuals**

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

**THREE AYES – MOTION CARRIED**

**WHEREAS**, the financial situation of New York State is in such a condition as to cause cutbacks of public programs and services across the state; and

**WHEREAS**, tuition at educational institutions across the state is continuously increasing at the expense of our state's students; and

**WHEREAS**, as a result of those tuition increases, students and their families have been forced to take on debt that will likely burden them through most of their adult lives; and

**WHEREAS**, it already costs the state tens of thousands of dollars to fund the incarceration of the State's prison system enrollees; and

**WHEREAS**, it is the proposed plan by Governor Andrew Cuomo to offer free tuition to incarcerated individuals under the ward of the state; and

**WHEREAS**, similar programs are already offered in the prison system through private funding; and

**WHEREAS**, no conditions are set for inmates to repay the money given for their education nor are they expected to work in one of the prison work programs to be eligible for the tuition;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Pembroke strongly opposes use of public money to fund a free education for individuals incarcerated for violating the law; and be it further

**RESOLVED**, that certified copies of this resolution be sent to Governor Andrew Cuomo's office, the Western NY delegates to the State Senate and Assembly, and all other parties deemed necessary and proper.

**RESOLUTION # 24 of 2014** – Final Budget Transfers for 2013

On **MOTION** of Councilman DeWind, seconded by Councilman Sformo, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE.  
THREE AYES – MOTION CARRIED

**RESOLVED**, That the Supervisor be authorized to make the following Budget transfers:

FROM:	A1110.1	Municipal Court -Personal Svcs.	2,746.60	
	A1110.13	Municipal Court -Constable/Security	3,744.16	
TO:	A1110.11	Municipal Court -Court Clerk FT		2017.94
	A1110.12	Municipal Court -Prosecutor		571.20
	A1110.14	Municipal Court -Deputy Court Clerk FT		209.40
	A1110.401	Municipal Court -Cont-O'Connor		88.33
	A1110.402	Municipal Court -Cont-Mileham		263.34
	A1110.44	Municipal Court -School/Conferences		141.36
	A1110.45	Municipal Court -Contractual-JCAP		3199.19
FROM:	A1220.11	Supervisor -Fiscal Manager	19,297.84	
TO:	A1220.4	Supervisor -Contractual		19,297.84
FROM:	A1355.11	Assessment -Clerk Typist PT	995.08	
TO:	A1355.1	Assessment -Personal Svcs.		995.08
FROM:	A1410.11	Town Clerk -Deputy Town Clerk 1	877.56	
TO:	A1410.1	Town Clerk -Personal Svcs.		877.56
FROM:	A1440.41	Engineer -Grant Writer	32,000.00	
	A1990.4	County Chargebacks -Contingent Acct.	20,000.00	
	A1680.2	Central Data Processing -Equipment	7,814.56	
	A1910.4	Special Items -Unallocated Insurance	2,563.59	
	A5182.4	Street Lighting -Contractual	2,865.92	
	A7110.2	Parks -Equipment	24,641.86	
	A8160.4	Refuse & Garbage -Contractual	10,260.05	
	A9010.8	Employee Benefits -State Retirement	432.45	
TO:	A1420.4	Law -Contractual		6,088.28
	A1440.4	Engineer -Contractual		18,200.00
	A1450.4	Elections -Contractual		17,111.51
	A1620.12	Buildings -Personal Svcs.-Pembroke		1,189.78
	A1620.41	Buildings -Contractual-Corfu		599.78
	A1620.414	Buildings -Contractual-Corfu-Supplies		10,876.43
	A1620.424	Buildings -Contractual-Pembroke-Supplies		1,945.88
	A1620.43	Buildings -Contractual-Doll		4,300.12

A1670.4	Central Printing & Mailing -Contractual	1,817.09
A1680.1	Central Data Processing -Personal Svcs.	847.00
A1680.4	Central Data Processing -Contractual	5,949.20
A1920.4	Special Items -Municipal Assoc. Dues	500.00
A1950.4	Special Items -Taxes/Assessment	8,284.33
A3510.41	Control of Dogs -Enumeration	57.65
A3989.4	Other Public Safety -Other Public Safety	6.00
A5010.1	Highway Administration -Personal Svcs.	1,330.89
A6772.1	Programs for the Aging -Personal Svcs.	764.97
A7110.4	Parks -Contractual	8,118.96
A8160.42	Refuse & Garbage -Recycling Contract	8,919.44
A8389.4	Water Other Water Expenditures -Contractual	104.00
A9050.8	Employee Benefits -Unemployment Insurance	3,567.12
FROM: B1440.4	Engineer -Contractual	968.25
TO: B1420.4	Law -Contractual	968.25
FROM: B8020.11	Planning -Chairman	539.38
TO: B8020.1	Planning -Personal Services	539.38
FROM: B8030.11	Zoning Bd of Appeals -Chairman	1,500.00
B8030.44	Zoning Bd of Appeals -School/Conference	47.76
TO: B8030.1	Zoning Bd of Appeals -Personal Svcs.	1,140.00
B8030.4	Zoning Bd of Appeals -Contractual	407.76
FROM: DA5142.4	Snow Removal -Contractual	13,545.33
TO: DA5130.4	Machinery -Contractual	11,692.60
DA9089.8	Unemployment Insurance -Coveralls	1,852.73

**RESOLUTION # 25 of 2014 – Payment of Abstract**

On **MOTION** of Councilman Sformo, seconded by Councilman DeWind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE.  
THREE AYES – MOTION CARRIED

**WHEREAS**, A request has been made to pay the normal operating expenses of the Town of Pembroke, and,

**WHEREAS**, these payments are within the normal scope of the 2014 working budgets, and create no additional cost to the Town of Pembroke; **NOW, THEREFORE BE IT**

**RESOLVED**, that the Town of Pembroke hereby authorizes the Supervisor to make the appropriate payments contained within abstract # 3 of 2014.

**RESOLUTION # 26 of 2014** – Authorization for Town Clerk to sign Credit Card Payment Processing Service Agreement with BAS

On **MOTION** of Councilman Sformo, seconded by Councilman DeWind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE.  
**THREE AYES – MOTION CARRIED**

**BE IT RESOLVED**, the Pembroke Town Board authorizes the Town Clerk to sign the Credit Card Payment Processing Service Agreement with BAS (Business Automation Services).

**RESOLUTION # 27 of 2014** – Adoption of Local Law No. 1 of the Year 2014

On **MOTION** of Councilman DeWind, seconded by Councilman Sformo, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE.  
**THREE AYES – MOTION CARRIED**

**WHEREAS** a Public Hearing was scheduled to be held by the Pembroke Town Board at a regular meeting on March 12<sup>th</sup> 2014 at the Pembroke Town Hall, 1145 Main Road in said Town at 7:00 P.M. pursuant to a Notice of Public Hearing, published in The Daily News on February 22<sup>nd</sup> 2014, and posted on the sign board at the Pembroke Town Hall,

A Local Law entitled Right to Farm Law of the Town of Pembroke; and

**WHEREAS** a public hearing was held at the regular meeting of the Town Board scheduled for March 12<sup>th</sup> and postponed until March 13<sup>th</sup>, 2014 due to Blizzard conditions; and

**WHEREAS** the members of the Town Board have had said Local Law No. 1 of the Year 2014 in final form for the period required under Section 20 of the New York Municipal Home Rule Law; and

**WHEREAS** the Town Board of the Town of Pembroke, after due deliberation, finds it in the best interest of the Town to adopt said Law; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Pembroke hereby adopts said Local Law as Local Law No.1 of 2014, a true copy of which is attached hereto and made a part of this Resolution, and **BE IT FURTHER**

**RESOLVED**, that the Town Clerk be, and she hereby is, directed to enter this Resolution and said Local Law in the minutes of this meeting, enter said Local Law No. 1 of 2014 in the Local Law Records Book of the Town of Pembroke, and send a certified copy thereof with due notice of adoption to the New York Secretary of State for filing at the New York Department of State.

This Local Law shall become effective upon its filing with the New York Secretary of State.

BY ORDER OF THE  
TOWN BOARD OF THE  
TOWN OF PEMBROKE

**LOCAL LAW #1 of 2014**

**A LOCAL LAW ENTITLED "RIGHT TO FARM LAW OF THE TOWN OF PEMBROKE"**

**TITLE**

This article shall be known as Local Law No. 1 of the Year 2014 entitled "Right to Farm Law of the Town of Pembroke."

**PURPOSE**

The Town Board of the Town of Pembroke finds, declares and determines that farming is important to the Town of Pembroke because it provides employment for agri-services, provides locally produced fresh commodities, promotes economic stability, maintains open space, promotes environmental quality and does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in the Town of Pembroke, farmers must be afforded protection allowing them the right to farm. When nonagricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operations or are discouraged from making investments in farm operations. Chapter 797 of the Laws of 1992 of the State of New York and the Agricultural and Farmland Protection Plan previously adopted by the County of Genesee provide an important foundation for achieving the right to farm protection sought by the Town Board of the Town of Pembroke. In order to address the unique circumstances facing agriculture in the Town of Pembroke, it is necessary to provide for a more comprehensive local right to farm protection as provided by this article.

**INTENT**

Agricultural practices not nuisances.

On any land which may be lawfully used for agricultural purposes in the Town of Pembroke, whether or not it is located in an agricultural district, an agricultural practice shall not constitute a public or private nuisance, provided such agricultural practice constitutes a sound agricultural practice pursuant to an opinion issued upon request by the New York State Commissioner of Agriculture and Markets under § 308 of the New York State Agriculture and Markets Law. Nothing in this article shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death.

**SEVERABILITY**

The provisions of this law are severable, if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegal, invalid or unconstitutional, or inapplicable, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, word or parts to the local law or their application to other persons or circumstance.

This local law shall become effective immediately upon filing with the Secretary of the State as provided by law.

**RESOLUTION # 28 of 2014 – Adoption of Local Law No. 2 of the Year 2014**

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

**THREE AYES – MOTION CARRIED**

**WHEREAS** a Public Hearing was scheduled to be held by the Pembroke Town Board at a regular meeting on March 12<sup>th</sup> 2014 at the Pembroke Town Hall, 1145 Main Road in said Town at 7:00 P.M. pursuant to a Notice of Public Hearing, published in The Daily News on February 22<sup>nd</sup> 2014, and posted on the sign board at the Pembroke Town Hall,

A Local Law entitled Right to Practice Forestry; and

**WHEREAS** a public hearing was held at the regular meeting of the Town Board scheduled for March 12<sup>th</sup> and postponed until March 13<sup>th</sup>, 2014 due to Blizzard conditions; and

**WHEREAS** the members of the Town Board have had said Local Law No. 2 of the Year 2014 in final form for the period required under Section 20 of the New York Municipal Home Rule Law; and

**WHEREAS** the Town Board of the Town of Pembroke, after due deliberation, finds it in the best interest of the Town to adopt said Law; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Pembroke hereby adopts said Local Law as Local Law No. 2 of 2014, a true copy of which is attached hereto and made a part of this Resolution, and **BE IT FURTHER**

**RESOLVED**, that the Town Clerk be, and she hereby is, directed to enter this Resolution and said Local Law in the minutes of this meeting, enter said Local Law No. 2 of 2014 in the Local Law Records Book of the Town of Pembroke, and send a certified copy thereof with due notice of adoption to the New York Secretary of State for filing at the New York Department of State.

This Local Law shall become effective upon its filing with the New York Secretary of State.

BY ORDER OF THE  
TOWN BOARD OF THE  
TOWN OF PEMBROKE

**LOCAL LAW #2 of 2014  
A LOCAL LAW ENTITLED "RIGHT TO PRACTICE FORESTRY"**

**INTRODUCTION**

The Town of Pembroke is establishing a Local Law called the "Right to Practice Forestry." The Town of Pembroke recognizes that it is a rural Town. Its 2006 Comprehensive plan shows about 50% of the Town is used for agriculture/cropland and 30% in forest cover. These forests provide clean air, clean water, fish and wildlife habitat, recreational opportunities, wood products we use every day and important contributions to our rural economy. Forests are living, changing natural ecosystems that can be conserved, but not frozen in time. Senate Bill 1783 was adopted to address forestry issues and to place forestry on a par with agriculture in establishing a "Right to Practice Forestry." The bill took effect March 1, 2004 and Chapter 602 of the Laws of New York of 2003 established an affirmative right to practice forestry in the State of New York.

**PURPOSE**

This law permits landowners within the Town of Pembroke to harvest their woodlands in accordance with generally acceptable forestry practices. It is recommended that all harvests make use of a forest management plan based on the New York State Forestry Best

Management Practices for Water Quality (BMPs) guide issued by the Department of Environmental Conservation (DEC) or the Empire State Forest Products Association (ESFPA) guidelines or others. It is not the intent of this law to require a certified management plan.

### **INTENT**

This law is intended to promote best forestry management practices and to declare that such practices do not constitute a public or private nuisance. Furthermore, the right to practice forestry shall not subject to SEQRA. Land clearing and/or harvesting activities for sustainable forestry shall not be confused with general land clearing activities usually associated with subdivision and/or land development. All forestry/harvesting operations are the responsibility of the landowner. All State, Federal, Local laws, ordinances or zoning laws shall be followed.

### **SEVERABILITY**

The provisions of this law are severable, if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegal, invalid or unconstitutional, or inapplicable, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, word or parts to the local law or their application to other persons or circumstance.

This local law shall become effective immediately upon filing with the Secretary of the State as provided by law.

### **RESOLUTION # 29 of 2014 – Adoption of Local Law No. 3 of the Year 2014**

On **MOTION** of Councilman Sformo, seconded by Councilman DeWind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE.  
THREE AYES – MOTION CARRIED

**WHEREAS** a Public Hearing was scheduled to be held by the Pembroke Town Board at a regular meeting on March 12<sup>th</sup> 2014 at the Pembroke Town Hall, 1145 Main Road in said Town at 7:00 P.M. pursuant to a Notice of Public Hearing, published in The Daily News on March 4<sup>th</sup> 2014, and posted on the sign board at the Pembroke Town Hall,

A Local Law to permit the appointment of Alternate Members to the Planning Board and the Zoning Board of Appeals; and

**WHEREAS** a public hearing was held at the regular meeting of the Town Board scheduled for March 12<sup>th</sup> and postponed until March 13<sup>th</sup>, 2014 due to Blizzard conditions; and

**WHEREAS** the members of the Town Board have had said Local Law No. 3 of the Year 2014 in final form for the period required under Section 20 of the New York Municipal Home Rule Law; and

**WHEREAS** the Town Board of the Town of Pembroke, after due deliberation, finds it in the best interest of the Town to adopt said Law; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Pembroke hereby adopts said Local Law as Local Law No. 3 of 2014, a true copy of which is attached hereto and made a part of this Resolution, and **BE IT FURTHER**

**RESOLVED**, that the Town Clerk be, and she hereby is, directed to enter this Resolution and said Local Law in the minutes of this meeting, enter said Local Law No. 3 of 2014 in the Local Law Records Book of the Town of Pembroke, and send a certified copy thereof with due notice of adoption to the New York Secretary of State for filing at the New York Department of State.

This Local Law shall become effective upon its filing with the New York Secretary of State.

BY ORDER OF THE  
TOWN BOARD OF THE  
TOWN OF PEMBROKE

**LOCAL LAW NO. 3 OF THE YEAR 2014**

**A LOCAL LAW TO PERMIT THE APPOINTMENT OF ALTERNATE MEMBERS TO THE  
PLANNING BOARD AND THE ZONING BOARD OF APPEALS**

Be it enacted by the Town Board of the Town of Pembroke as follows:

**SECTION 1. LEGISLATIVE INTENT**

This local law shall apply to the appointment, terms, functions and powers of alternate member appointed to serve on the Planning Board and Zoning Board of Appeals in the Town of Pembroke.

## SECTION 2. DECLARATION OF POLICY

It is sometimes difficult to maintain a quorum on the Planning Board and Zoning Board of Appeals because members are ill or on an extended vacation or find they have a conflict of interest situation on a specific matter before such board. In such instances, official business cannot be conducted which may delay or impede adherence to required timelines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.

## SECTION 3. DEFINITIONS

- A. "*Planning Board*" means the Planning Board of the Town of Pembroke as established by the Town Board pursuant to the provisions of §271 of the Town Law.
- B. "*Zoning Board of Appeals*" means the Zoning Board of Appeals of the Town of Pembroke as established by the Town Board, pursuant to the provisions of §267 of the Town Law.
- C. "*Member*" means an individual appointed by the Town Board to serve on the Town Planning Board or Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such Planning Board.
- D. "*Alternate Member*" means an individual appointed by the Town Board when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

## SECTION 4. AUTHORIZATION/EFFECT

- A. The Town Board of the Town of Pembroke hereby enacts this local law to provide for appointing "alternate" members of Planning Board and Zoning Board of Appeals. These alternate members would serve when permanent members are absent or unable to participate on any matter before the respective board.
- B. Alternate members of the Planning Board and Zoning Board of Appeals shall be appointed by the Town Board of the Town of Pembroke, for a term of one (1) year with the term to expire on December 31 of each year after the date of their appointment.
- C. The chairperson of the Planning Board or Zoning Board of Appeals may designate an alternate to substitute for a permanent member when such member is unable to participate on any matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such permanent member of the board. Such designation shall be entered into the minutes of the initial planning board meeting at which the substitution is made.
- D. All provisions of state law relating to Planning Board or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

SECTION 5. SUPPRESSION OF TOWN LAW

This local law is hereby adopted pursuant to the provisions of §10 of the NYS Municipal Home Rule Law and §10 of the NYS Statute of Local Governments. It is the intent of the Town Board pursuant to §10 of the NYS Municipal Home Rule Law, to supersede the provisions of:

- (1) Section 271 of the Town Law relating to the appointment of members to the Town Planning Boards; and
- (2) Section 267 of Town Law relating to the appointment of members to the Town Zoning Board of Appeals.

SECTION 6. MISCELLANEOUS

- A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.
- B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.
- C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Pembroke to further regulate the subject matter of this Local Law.

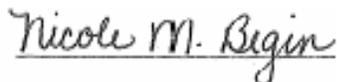
SECTION 7. EFFECTIVE DATE

This Local Law shall become effective upon filing with Secretary of State of the State of New York, as required by the Municipal Home Rule Law.

On **MOTION** of Councilman Sformo, seconded by Councilman DeWind to adjourn the meeting at 8:05 P.M.

ALL AYES – MOTION CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF MARCH 13, 2014 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD. APPROVAL OF MINUTES BY THE TOWN BOARD IS DONE AT THE NEXT REGULAR TOWN BOARD MEETING.