

**MINUTES** of the Pembroke Town Board **Workshop Meeting** held on **June 26<sup>th</sup>, 2014** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

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

**OTHERS PRESENT:** Nicole M. Begin, Town Clerk; Stephen Stocking, Highway Superintendent; Jeremy DeLyser, Clark Patterson Lee; Laura Landers, Freed Maxick & Battaglia; Ken Lauer, Village of Corfu Trustee.

The Workshop was called to order at 5:02 P.M.

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**PUBLIC HEARING  
ON ESTABLISHMENT OF SEWER DISTRICT #2  
OF THE TOWN OF PEMBROKE**

The **Public Hearing** for Establishment of Sewer District #2 of the Town of Pembroke, 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.

Engineer Jeremy DeLyser explained the need for Sewer District No. 2 and had hand-outs available for the public. The floor was open for public comment. There were no public comments made.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, to close the Public Hearing at 6:56 P.M.

**ALL AYES - MOTION CARRIED.**

Everyone being heard that wished to be heard the public hearing was closed at 6:56 P.M.

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**2013 AUDIT** – Laura Landers reviewed the DRAFT 2013 Audit with the Town Board and explained where the Town is financially. She also went over the town's finances with the Board for the current year. Ms. Landers said that the cash balances are good through May and everything appears to be on target with our budget.

Councilman Worth said that there are some major things coming up that were not expected when the 2014 budget was done. One of these items being salt for the salt barn. The barn is empty, usually there is salt left from the previous year. The barn ran out in the middle of winter and it cost approximately \$80K to fill to get us to the end of winter. Now to fill the barn for the upcoming winter it will cost approximately \$230,000.00 to \$300,000.00 to fill. Our situation is not unique; town's all across the state have the same dilemma. Another major item is that the gas pumps need replacing ASAP.

## **OLD BUSINESS**

### SEWER PROJECT UPDATE – Councilman Sformo

- *Sewer Law* ~ The Sewer Use Law is almost complete by the attorney. There are three things that the attorney is waiting for to finish it up.
- *Lateral connections* ~ Jeremy DeLyser updated the board on the sewer project progress. There was a lot of discussion on the issues we are having of getting a contractor to dig the laterals. Councilman Arnold expressed his frustration on why the project had/is taking so long.

TIME WARNER CABLE FRANCHISE AGREEMENT – Councilman Worth said the attorney and Time Warner Cable (TWC) are looking at the franchise fee agreement and rate that the Town Board asked for. The current franchise fee rate is 3% to Pembroke residents that have Time Warner Cable. The Town Board agreed to propose changing the agreement to a 5 year agreement and lower the franchise fee to 0% with the hopes that this 3% decrease to the cable company would be used to lower rates for all their subscribers in the Town. According to the assessor TWC is tax exempt and the residents would be taxed either way. The tax money would go to the County and the School if the Town changes the rate to a 0% fee. The board and attorney are trying to get more information.

NORTH PEMBROKE CEMETERY GRANT WORK – Mr. Stocking said that the grant work is being held up by the rain and the contractor hopes to start it next week.

## **NEW BUSINESS**

PARK WEED & BUG SPRAY – The Board discussed the spraying that was done at the town park in June and the complaints that were received. Town Clerk Begin said she was informed a week prior to spraying and was given a three day window of time when the park would be sprayed. She spoke with TruGreen and was informed that they try to spray on a dry day and when sprayed on a dry day the grass is fine to go on in three hours. The board talked about closing the park on days when the grass is sprayed. Mrs. Begin said that because the school schedules the fields she is not aware of the people who are using them and when. Mr. Worth said that there is hardly a time when the fields aren't being used on a daily basis for PYA or the school. Mrs. Begin suggested we have TruGreen contact the school when they are going to spray. The Board also talked about whether the spraying needs to be done at all. Mr. Worth said that we will work on a solution for the next spray in August. Mr. Arnold suggested that the park be closed for two weeks in the summer for spraying and that it be scheduled in January. Mr. Worth will call TruGreen for the next spray. Mrs. Begin said that Football and Cheerleading will be started at that time.

ZONING ISSUE – Charles Reid said he received a complaint from a resident on Indian Falls Road and they wanted him to come out immediately. Mr. Reid said he was not available at that time but was able to go a little while later but when he got there the complainant was gone but Mr. Reid spoke to a relative. The tenant was also complaining about the Town and the business regarding another neighbor. Mr. Reid left because he did not want to argue. The resident called Councilman Worth and said that they do not want Mr. Reid on their property and do not want to talk to him regarding their complaint. Mr. Worth said the resident was given alternate contacts. The situation was discussed and the attorney was advised.

GAS PUMPS – Councilman Worth spoke with the Pembroke School Bus Garage regarding their need for diesel fuel. They said they are all set at this time. Councilman Arnold got some pricing on new gas tanks. He said there were several options for above and below ground tanks. The total cost for new tanks would be about \$100,000.00 for a whole new set-up. The Board discussed putting the job out to bid and what the options are. Superintendent Stocking will have bid specs written up for above and below ground tanks and meet with them when they come out to write them up.

## **ROUND TABLE DISCUSSION**

**Highway Superintendent Stocking** – Mr. Stocking said that the highway crew oil & stoned Maple, Lovers Lane and Beckwith Roads and are paving Scribner Road in July. The crew has been mowing roadsides and working with a couple of other towns as well. The mats at the park are moved and were put between the two baseball diamonds.

**Deputy Supervisor John Worth** – Mr. Worth examined the bank accounts associated with the North Pembroke Cemetery. Two of the accounts were permanent maintenance accounts that were held by the cemetery association before abandonment. Mr. Worth is working with the attorney to see if the Town can access those accounts for maintenance.

Councilman Worth is working with Laura Landers about the possibility of switching financial software and getting rid of Williamson. Ms. Landers said that come of the other Town's that her firm is working with currently use QuickBooks. She said it is easier to use than Williamson and the cost is much less to the municipality. They are looking into the pros and cons. Mr. Worth said they want to work on ways to make the bookkeeping more efficient.

## **RESOLUTIONS**

### **RESOLUTION # 53 of 2014 - Resolution for Establishment of Sewer District #1 after Public Hearing**

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 Sformo, AYE; Councilman DeWind, AYE.  
ALL AYES - MOTION CARRIED

**WHEREAS**, on May 14, 2012, the Town Board of the Town of Pembroke, duly adopted a resolution directing Clark Patterson Lee, Jeremy DeLyser, 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 #2 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 June 11, 2014, 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 26<sup>th</sup> day of June 2012 at 5pm, for the purpose of conducting a public hearing on such proposal to establish the Sewer District #2 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 #2 are benefited thereby.

C. That all of the property and property owners benefited are included within the proposed Sewer District #2.

D. It is in the public interest to establish the proposed Sewer District #2 as hereinafter described, and be it

**FURTHER RESOLVED**, that the Town Board does hereby approve the establishment of Sewer District #2 as hereinafter described to be known as Sewer District #2:

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 at the intersection of the centerlines of Alleghany Road, New York State Route 77 (66 feet wide right-of-way) and Cohocton Road (66 feet wide right-of-way), and a southeasterly corner of the Existing Town of Pembroke Sanitary Sewer District Number 1; thence,

1. Northerly, along the centerline of Alleghany Road and an easterly line of the Existing Town of Pembroke Sanitary Sewer District Number 1, a distance of 63 feet, more or less, to a point being the westerly extension of the northerly line of tax account number 19-1-34; thence,

2. Easterly, along the westerly extension of the northerly line of tax account number 19-1-34 and along the northerly line of tax account number 19-1-34, and a southerly the Existing Town of Pembroke Sanitary Sewer District Number 1, a distance of 341 feet, more or less, to a point; thence,
3. Southerly, through the lands of tax account number 19-1-34, a distance of 711 feet, more or less, to a point on the southerly line of tax account number 19-1-34; thence,
4. Westerly, along the southerly line of tax account number 19-1-34, a distance of 309 feet, more or less, to a point on the easterly right-of-way line of Alleghany Road; thence,
5. Southerly, along the easterly right-of-way line of Alleghany Road, a distance of 231 feet, more or less, to the northwesterly corner of tax account number 23-1-13.2; thence,
6. Easterly, along the northerly line of tax account number 23-1-13.2, a distance of 306 feet, more or less, to the northeasterly corner of tax account number 23-1-13.2; thence,
7. Southerly, along the easterly line of tax account number 23-1-13.2 and the southerly extension of the easterly line of 23-1-13.2, through the lands of tax account number 23-1-13.111, a distance of 725 feet, more or less, to a point on the northerly line of tax account number 23-1-12.1; thence,
8. Easterly, along the northerly line of tax account number 23-1-12.1, a distance of 279 feet, more or less, to the northeasterly corner of tax account number 23-1-12.1; thence,
9. Southerly, along the easterly line of tax account number 23-1-12.1, a distance of 388 feet, more or less, to the southeasterly corner of tax account number 23-1-12.1; thence,
10. Westerly, along the southerly line of tax account number 23-1-12.1, a distance of 570 feet, more or less, to the easterly right-of-way line of Alleghany Road; thence,
11. Southerly, along the easterly right-of-way line of Alleghany Road, a distance of 1,010 feet, more or less, to the northwesterly corner of tax account number 23-1-54; thence,
12. Easterly, along the northerly line of tax account number 23-1-54, a distance of 167 feet, more or less, to the northeasterly corner of tax account number 23-1-54; thence,
13. Southerly, along the easterly line of tax account number 23-1-54, a distance of 106 feet, more or less, to a southerly line of tax account number 23-1-10.2; thence,
14. Easterly, along the southerly line of tax account number 23-1-10.2, a distance of 61 feet, more or less, to the northerly extension of the easterly line of tax account number 23-1-11.2; thence,

15. Southerly, along the northerly extension of the easterly line of tax account number 23-1-11.2, a distance of 297 feet, more or less, to the northwesterly corner of tax account number 23-1-11.2 on the southerly line of tax account number 23-1-10.1; thence,
16. Westerly, along the southerly line of tax account number 23-1-10.1, a distance of 226 feet, more or less, to the easterly right-of-way line of Alleghany Road; thence,
17. Southerly, along the easterly right-of-way line of Alleghany Road, a distance of 120 feet, more or less, to a northwesterly corner of tax account number 23-1-11.1; thence,
18. Easterly, along a northerly line of tax account number 23-1-11.1, a distance of 226 feet, more or less, to the southeasterly corner of tax account number 23-1-11.2; thence,
19. Southerly, along the southerly extension of the easterly line of tax account number 23-1-11.2, through the lands of tax account number 23-1-11.1, a distance of 709 feet, more or less, to the southerly line of tax account number 23-1-11.1; thence,
20. Westerly, along the southerly line of tax account number 23-1-11.1 and the westerly extension of the southerly line of tax account number 23-1-11.1, a distance of 290 feet, more or less, to the westerly right-of-way line of Alleghany Road; thence,
21. Northerly, along the westerly right-of-way line of Alleghany Road, a distance of 59 feet, more or less, to the southeasterly corner of tax account number 23-1-50.2; thence,
22. Westerly, along the southerly line of tax account number 23-1-50.2, a distance of 536 feet, more or less, to the southwesterly corner of tax account number 23-1-50.2; thence,
23. Northerly, along the westerly lines of tax account numbers 23-1-50.2 and 23-1-50.1, a distance of 491 feet, more or less, to the northwesterly corner of tax account number 23-1-50.1; thence,
24. Easterly, along the northerly line of tax account number 23-1-50.1, a distance of 536 feet, more or less, to the westerly right-of-way line of Alleghany Road; thence,
25. Northerly, along the westerly right-of-way line of Alleghany Road, a distance of 100 feet, more or less, to the southeasterly corner of tax account number 23-1-52; thence,
26. Westerly, along the southerly line of tax account number 23-1-52, a distance of 536 feet, more or less, to the southwesterly corner of tax account number 23-1-52; thence,
27. Northerly, along the westerly lines of tax account numbers 23-1-52 and 23-1-53, a distance of 200 feet, more or less, to the northwesterly corner of tax account number 23-1-53; thence,

28. Easterly, along the northerly line of tax account number 23-1-53, a distance of 536 feet, more or less, to the westerly right-of-way line of Alleghany Road; thence,
29. Northerly, along the westerly right-of-way line of Alleghany Road, a distance of 631 feet, more or less, to the southeasterly corner of tax account number 23-1-3.12; thence,
30. Westerly, along the southerly line of tax account number 23-1-3.12, a distance of 332 feet, more or less, to the southwesterly corner of tax account number 23-1-3.12; thence,
31. Northerly, along the westerly line of tax account number 23-1-3.12, a distance of 200 feet, more or less, to the northwesterly corner of tax account number 23-1-3.12; thence,
32. Easterly, along the northerly line of tax account number 23-1-3.12, a distance of 332 feet, more or less, to the westerly right-of-way line of Alleghany Road; thence,
33. Northerly, along the westerly right-of-way line of Alleghany Road, a distance of 200 feet, more or less, to a southeasterly corner of tax account number 23-1-3.111; thence,
34. Westerly, along a southerly line of tax account number 23-1-3.111, a distance of 332 feet, more or less, to the northwesterly corner of tax account number 23-1-3.112; thence,
35. Northerly, along the northerly extension of the westerly line of tax account number 23-1-3.112, through the lands of tax account number 23-1-3.111, a distance of 576 feet, more or less, to the northerly line of tax account number 23-1-3.111; thence,
36. Easterly, along the northerly line of tax account number 23-1-3.111, a distance of 332 feet, more or less, to the westerly right-of-way line of Alleghany Road; thence,
37. Northerly, along the westerly right-of-way line of Alleghany Road, a distance of 340 feet, more or less, to the southeasterly corner of tax account number 23-1-8; thence,
38. Westerly, along the southerly line of tax account number 23-1-8, a distance of 215 feet, more or less, to the southwesterly corner of tax account number 23-1-8; thence,
39. Northerly, along the westerly line of tax account number 23-1-8, a distance of 150 feet, more or less, to the northwesterly corner of tax account number 23-1-8; thence,
40. Easterly, along the northerly line of tax account number 23-1-8, a distance of 215 feet, more or less, to the westerly right-of-way line of Alleghany Road; thence,
41. Northerly, along the westerly right-of-way line of Alleghany Road, a distance of 150 feet, more or less, to the southeasterly corner of tax account number 23-1-6; thence,

42. Westerly, along the southerly line of tax account number 23-1-6, a distance of 223 feet, more or less, to the southwesterly corner of tax account number 23-1-6; thence,
43. Northerly, along the westerly line of tax account number 23-1-6, a distance of 120 feet, more or less, to the northwesterly corner of tax account number 23-1-6; thence,
44. Easterly, along the northerly line of tax account number 23-1-6, a distance of 223 feet, more or less, to the westerly right-of-way line of Alleghany Road; thence,
45. Northerly, along the westerly right-of-way line of Alleghany Road, a distance of 240 feet, more or less, to the southeasterly corner of tax account number 23-1-4; thence,
46. Westerly, along the southerly line of tax account number 23-1-4, a distance of 223 feet, more or less, to the southwesterly corner of tax account number 23-1-4; thence,
47. Northerly, along the westerly line of tax account number 23-1-4, a distance of 114 feet, more or less, to the northwesterly corner of tax account number 23-1-4; thence,
48. Easterly, along the northerly line of tax account number 23-1-4, a distance of 223 feet, more or less, to the westerly right-of-way line of Alleghany Road; thence,
49. Northerly, along the westerly right-of-way line of Alleghany Road, a distance of 20 feet, more or less, to the southeasterly corner of tax account number 19-1-43; thence,
50. Westerly, along the southerly line of tax account number 19-1-43, a distance of 228 feet, more or less, to the southwesterly corner of tax account number 19-1-43; thence,
51. Northerly, along the westerly line of tax account number 19-1-43 and the northerly extension of the westerly line of tax account number 19-1-43, through the lands of tax account number 19-1-44.2, a distance of 615 feet, more or less, to the centerline of Cohocton Road and a southerly line of the Existing Town of Pembroke Sanitary Sewer District Number 1; thence,
52. Easterly, along the centerline of Cohocton Road and a southerly line of the Existing Town of Pembroke Sanitary Sewer District Number 1, a distance of 267 feet, more or less, to the centerline of Alleghany Road and the point of beginning.

All as shown on a map prepared by Clark Patterson Lee, "Sanitary Sewer District No. 2 – Proposed Sanitary Sewer District", Drawing Number SD-01, dated May 30, 2014.

Town of Pembroke Sanitary Sewer District No. 2, as described above contains approximately 46.23 acres of land, and it be

**FURTHER RESOLVED**, that the following improvements in said district be constructed upon the required funds being made available or provided for: Installing 4,500 linear feet of 2 inch diameter force main along with grinder pump stations for each of the approximately 17 residences and

businesses in the district to be connected to the 8 inch diameter main line which is then connected to the Village of Corfu Wastewater Treatment Facility, 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 \$322,321.16 (Three Hundred Twenty-two Thousand Three Hundred Twenty-one Dollars and 16/100) 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 \$31,742.00 (Thirty-one Thousand Seven Hundred Forty-two Dollars and no/100) in serial bonds of the Town at an interest rate not to exceed 4.25% (Four and one quarter per centum) per annum, for a total cost to the typical property owner of \$699 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.

**RESOLUTION # 54 of 2014 – Payment of Abstract**

On **MOTION** of Councilman Sformo, seconded by Councilman Arnold, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Arnold, AYE; Councilman Worth, AYE; Councilman Sformo, AYE; Councilman DeWind, AYE.  
ALL 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 budget, 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 # 6b of 2014.

On **MOTION** of Councilman DeWind, seconded by Councilman Arnold to adjourn the meeting at 8:08 P.M.

ALL AYES – MOTION CARRIED

Respectfully Submitted,

Nicole M. Begin

Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP MEETING OF JUNE 26, 2014 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD. APPROVAL OF MINUTES BY THE TOWN BOARD ARE DONE AT THE NEXT REGULAR TOWN BOARD MEETING.