

MINUTES of the **Regular Meeting** of the Pembroke Town Board held on **August 13, 2014** at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

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; Tom Schneider, Planning Board Chairman; Nathan Witkowski, ZBA Chairman; Deborah Conti, Assessor; Charles Reid, Zoning Officer.

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

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

PUBLIC PARTICIPATION ~ None

APPROVAL OF MINUTES

On **MOTION** of Councilman DeWind, seconded by Councilman Sformo, to approve the minutes of the Workshop Meeting & Public Hearing June 26th, Regular Meeting July 9th, and Workshop Meeting July 24th, 2014.
ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

- Mrs. Conti said she will be attending OARS training at the County in September and that if the Board has any requests or recommendations for the program she could take them with her to training.
- Mrs. Conti requested that she attend the annual assessor’s conference.

A **MOTION** was made by Councilman Sformo, seconded by Councilman Arnold to allow Assessor Deborah Conti attend the annual Assessors Training.
ALL AYES –MOTION CARRIED

ZONING & CODES ENFORCEMENT – Charles Reid

- The monthly report has been submitted.
- Mr. Reid said that the first sewer lateral was done and has been inspected. Mr. Sformo asked Mr. Reid to keep documentation of residents that are hooked in for the Village of Corfu.
- Mr. Reid said that an invoice was sent to Flying J for his time when he was called out for a fire alarm on two separate occasions when they promised to fix a problem and failed to do so. Mr. Sformo questioned why they were billed and if it was done so by the zoning guidelines. Mr. Reid said that his time was billed for inspections done at their request.

HIGHWAY – Stephen Stocking

- Mr. Stocking informed the board that the crew is currently filling the salt barn. The rough estimate to fill salt barn is \$220,000.00.
- The supplies for the repair of the fuel tanks have been ordered and should be in any day.
- The Highway crew is currently mowing the roadsides.
- Mr. Stocking spoke with Councilman Arnold about asking Washington Landscaping to weedwack at the Town Park in 2015. The school currently mows the park but do no weedwack. Mr. Stocking had a man working off community service weedwack this week. Mr. Stocking said that Matt's Landscaping would do it in 2015 for \$900.00 so the board might want to consider that at budget time. The Board will discuss further at the workshop meeting.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed.
- Mrs. Begin told the board that the Town received a records management grant to digitize the birth, death and marriage records. We've applied for the grant before but were denied.

PLANNING BOARD – Thomas Schneider

- Mr. Schneider said there are two items on the agenda for August. One is a site plan review and the other for a land separation. Mr. Schneider will attend a County Planning Board meeting on Thursday for an item they are reviewing for Pembroke.
- Mr. Schneider said he has finished his code enforcement training, received his certificate as a Code enforcement Officer and is open to a part time position if needed.
- Mr. Schneider said there was a complaint received regarding a plane being flown by the RC Pulsars. Mr. Schneider checked it out but said that at the same time there were several planes flying over from the Akron airport.

ZONING BOARD OF APPEALS – Nathan Witkowski

- Mr. Witkowski said there was no ZBA meeting in July but there will be a ZBA meeting held in August for a barn being rebuilt on existing foundation of old barn that fell down two years ago.

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

- The June & July monthly reports have been submitted and filed.

SUPERVISOR –

- Deputy Supervisor Worth said the County Planning department is asking for the Town's support in their grant funding request. The board gave Mr. Worth authorization to sign the support letter.
- Mr. Worth said he has begun the budget process for 2015. He gave copies of the Supervisor's report and budget calendar to the board. He also gave the board the five year revenue and expenditure trends.
- Municipal Solutions has offered to set up the debt service for the sewer district for 2015.

OLD BUSINESS

1. Sewer Project update ~ Councilman Sformo said the laterals are started the electric work on the pump stations has been started. They will start working on the grinder stations south of Cohocton Road shortly. Mr. Sformo said the board will need to make a decision on purchasing the billing program for the Village. The board discussed the BAS billing program but three of four board members feel that the program should be part of the cost of operating and maintenance. The board will discuss further at the workshop meeting. The Sewer Law and Intermunicipal Agreement are in the hands of Attorney Mark Boylan. Mr. Worth will ask the Attorney to attend the next workshop meeting so we can get things finalized.
2. Staffing and Interviews ~ No report.
3. Cemetery Grant Project Work tree work North Pembroke ~ No report.
4. Fix Insulation issue at Town Hall to prevent pipes from freezing ~ No report.
5. Real-estate progress ~ Mr. Worth said that the new owner of the Doll property may request purchase if 20 more feet of property in the future.
6. Industrial Appraisal contract ~ No report.
7. Mark Boylan legal update as needed Franchise Agreement ~ No report.
8. Cemetery Bank account ~ Mr. Arnold and Mr. Worth have been trying to meet up to get the accounts finalized.
9. Gasboy/Gas tanks ~ No report.
10. Park - TruGreen organic fertilizer ~ No report.

RESOLUTIONS**RESOLUTION # 61 of 2014 – Payment of Abstract**

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

RESOLUTION # 62 of 2014 – Final Order – Establishment of Sewer District No. 2

On **MOTION** of Councilman Sformo, seconded by Councilman DeWind, 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

In the Matter	:	
of	:	
The establishment of Sewer District No. 2	:	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 Associates, Jeremy DeLyser, 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. 2 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 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

WHEREAS, the maximum amount proposed to be expended for said improvements is \$322,321.16; and

WHEREAS, an order was duly adopted by said Town Board on June 11, 2014, reciting a description of the boundaries of said proposed Sewer District No. 2, 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 26th day June, 2014, 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 June 26th, 2014, 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. 2, 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. 2 to the typical property therein is \$699.00 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. That the boundaries of said Sewer District No. 2 are 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 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 southwest 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

Section 2. That the following improvements in said district be constructed upon the required funds being made available or provided for as follows: 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 The maximum estimated cost to said Sewer District No. 2 pursuant to these proceedings for said 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, payable in the first instance from assessments levied on benefitted real property in the proposed district.

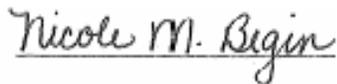
Section 3. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Genesee County, New York, within ten (10) days after the adoption of this order by this Town Board and to file a certified copy thereof within that time 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.

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo to adjourn the meeting at 8:21 P.M.

ALL AYES – MOTION CARRIED.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicole M. Begin". The signature is written in dark ink and is positioned below the text "Respectfully submitted,".

Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF AUGUST 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.