

MINUTES of the first **Regular Meeting** of the month of the Pembroke Town Board held on **August 12, 2015** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

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

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Tom Schneider, Planning Board Chairman; Deborah Conti, Assessor; Mike Bakos; Lindsey Schneider, PYA; Beth Johnson, PYA.

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

Councilman Worth gave the invocation and led the Pledge to the Flag.

PUBLIC HEARING
LOCAL LAW NO. 1 OF 2015
A LOCAL LAW TO AMEND LOCAL LAW # 1 of 1991
ZONING LAW TEXT CHANGES

The **Public Hearing** for Local Law no. 1 of 2015, a Local Law entitled “A Local Law to Amend Local Law No. 1 of 1991, Zoning Law Text changes”, was called to order by Supervisor Lawrence 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.

There was no comment from the public.

On **MOTION** of Councilman DeWind, seconded by Councilman Arnold, 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.

PUBLIC PARTICIPATION ~ Lindsey Schneider came before the board representing the Pembroke Youth Association (PYA) Softball Committee. Mrs. Schneider brought a proposal for dug outs and on deck areas for the Pembroke Town Park. She provided print outs of the proposal and estimated costs for the Town Board. The total estimates to accomplish this at the four ball fields is approximately \$40,000.00. PYA has been fundraising to offset the cost to the Town. Mrs. Schneider thanked the board for allowing them to charge for parking for the tournaments that were hosted at the park this summer. Future fundraising activities are planned. Beth Johnson said that the fundraising that they have been doing are mostly events where they get a portion of the money like at Denny’s. They try not to sell things to the public.

Mrs. Schneider asked the board to add funds to the 2016 budget so that the dug outs and on deck areas could be built in the beginning of 2016 and be finished before the 2016 ball season begins. Supervisor Lawrence said that a request was added in our Community Development Grant that was applied for in July. The town should hear in September or October if the grant is awarded. Councilman Worth said that it is the appropriate time for the Town to think about this since there was a boy recently killed when a ball player in an on deck area swung his bat and the boy was hit in the head. Supervisor Lawrence thanked Lindsey and the PYA for all the energy and support that was given to the tournaments this season. Mrs. Lawrence said it is appreciated because these activities for our younger population are so important in their development and knowing that they live in a good community.

APPROVAL OF MINUTES

On **MOTION** of Councilman DeWind, seconded by Councilman Arnold, to approve the minutes of the second Regular Meeting of July 23rd, 2015.

ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

- Mrs. Conti reported that she has been out because of an accident she had due to a fall in May. Mrs. Conti said they held an adjourned Grievance and held the hearing a week to ten days later.

PLANNING BOARD – Thomas Schneider

- Mr. Schneider said that the Planning Board heard three land separations in July. Two were approved and one had an issue with the septic system that needs to be resolved before approval. The Planning Board will hear again in August if stipulations are met.

ZONING BOARD OF APPEALS – Nathan Witkowski

- Mr. Witkowski submitted a report that the ZBA approved multiple area variances to a resident on Main Road subject to the Planning Boards decision on a land separation.

HIGHWAY – Stephen Stocking

- Mrs. Begin reported that the Highway Department is paving Cohocton Road.

ZONING & CODES ENFORCEMENT – Charles Reid

- The monthly report is submitted and filed.

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

- The July monthly reports been submitted. Justice O'Connor collected \$31,743.50 in fines; Justice Mileham collected \$23,410.00 in fines. The state will submit an invoice for the state portion.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed. Hunting licenses have gone on sale. There were issues earlier in the week with the system. There are some changes with the licenses this year.

SUPERVISOR – Annie Lawrence

- Mrs. Lawrence said that on July 31st Grant writers at J. O’Connell & Associates filed for a WQIP grant to extend the sewer line west on Main Road in the Town of Pembroke.
- The Community Development grants with Senator Ranzenhofer’s office were filed at the end of July.
- Mrs. Lawrence said the petitions for lowering of the speed limit on Main Road from Brick House Drive to the thruway overpass and turning arrows at the corners of route 5 and route 77 are being passed.
- The NYS Department of Taxation and Finance has notified the Town that our equalization rate has been established at 100%.
- The NYS Association of towns has sent their notification of dues. The amount of the dues for 2016 will be \$1,098.00.
- On Friday Laura Landers, Town Clerk Nicole Begin and Supervisor Lawrence will meet to discuss the utility billing for the sewer pump stations.

COMMITTEE REPORTS

Councilman Worth – Mr. Worth said Jamie Waff from the Pembroke Fire Department is working on the grading level of property within the Pembroke Fire District. The grade depends on fire protection, amount of fire hydrants, etc... The Fire Department did a tremendous amount of work to get the district to grade level 5 so that homeowners insurance would be lower for the residents.

The TA Truck stop is very interested in hooking up to the sewer line but has asked if they could hold off until 2016. Councilman worth will contact Al Graham at the Village to see if they are ok with waiting. If the Village is ok with that, Mr. Worth will write TA a letter.

GAM is currently working together regarding franchise agreements with Time Warner Cable. GAM is proposing using one attorney to negotiate for all towns with expired franchise agreements. The cost would be approximately \$3,500.00 for all.

Councilman DeWind – Mr. DeWind said the electric service at the Town Park was hit during maintenance and broke up the conduit. McCabe Enterprises is working with National Grid because the extent of damage requires National Grid to be involved. McCabe will coordinate with them and once repaired posts will be placed around the service site for future protection.

DISCUSSION –

Supervisor Lawrence said that the Town received a contract renewal from J. O’Connell and Associates for a two year agreement. Mrs. Lawrence provided the Town Board with a record of grants they have applied for on behalf of the Town and what the Town has received in grants due to their help. The board discussed and decided that they would like to have a representative from J. O’Connell to our next meeting in August 27th.

Chamber of Commerce is looking to plan for the 2016 visitors guide. Supervisor Lawrence asked the Town Board if they would like to go back to two page spread. Mrs. Lawrence said that the Town receives sale tax dollars due to businesses in town and she agrees that a large portion of that comes from the truck stops but it is good to advertise the businesses in our town and the visitors guide is a good way to promote them. Councilman Arnold said the pages need more pizzazz. The Board was in agreement to have a representative from the Chamber of Commerce come to our next meeting to discuss further.

The Board discussed the passing of Paul Phelps. Deborah Conti said that Mr. Phelps served the Town of Pembroke in some capacity or another for upward of 30 years. The board decided to find a way to do a memorial in his memory.

RESOLUTIONS

RESOLUTION # 55 of 2015 – Adoption of Local Law No. 1 of the Year 2015 - A Local Law to Amend Local Law # 1 of 1991 Zoning Law Text Changes

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; Supervisor Lawrence, AYE. ALL AYES - MOTION CARRIED

WHEREAS a Public Hearing was held by the Pembroke Town Board at a regular meeting on August 12, 2015 at the Pembroke Town Hall, 1145 Main Road at 7:00 P.M. pursuant to a Notice of Public Hearing, published in The Daily News on August 1, 2015, and posted on the sign board at the Pembroke Town Hall, on a proposed Local Law amending the Zoning Law of the Town of Pembroke originally adopted as Local Law No. 1 of the Year 1991, as thereafter amended; and

WHEREAS both the Town of Pembroke Planning Board and the Genesee County Planning Board have recommended enactment of such Zoning Amendment; and

WHEREAS such Zoning Law Amendment conforms with the Comprehensive Plan of the Town Board of the Town of Pembroke; and

WHEREAS the members of the Town Board have had said Local Law No. 1 of the Year 2015 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 Zoning Law Amendment; **NOW, THEREFORE, BE IT**

RESOLVED:

LOCAL LAW NO. 1 OF THE YEAR 2015
OF THE
TOWN OF PEMBROKE

1. The Zoning Law of the Town of Pembroke known as Local Law No. 1 of 1991, as thereafter amended by Local Law No. 3 of 1992, Local Law No. 2 of 1993, Local Law No. 1 of 1995, Local Law No. 2 of 1995, Local Law No. 2 of 1996, Local Law No. 1 of 1997, Local Law No. 1 of 2000, Local Law No. 4 of 2000, Local Law No. 1 of 2002, Local Law No. 1 of 2003, Local Law No. 2 of 2003, Local Law No. 1 of 2005, Local Law No. 2 of 2005, Local Law No. 3 of 2005, Local Law No. 2 of 2006, Local Law No. 4 of 2006, Local Law No. 2 of 2007, and Local Law No. 3 of 2007, Local Law No. 4 of 2007, Local Law No. 1 of 2008, and Local Law No. 2 of 2008, Local Law No. 2 of 2009, Local Law No. 3 of 2011, Local Law No. 2 of 2013 and is hereby further amended by Local Law No. 1 of 2015 as follows:

SECTION 106 **DEFINITIONS**

Topsoil: The fertile upper part of the soil.

SECTION 401 **AGRICULTURAL DISTRICT-AG**

B. Uses Requiring Special Use Permit

9. Kennel

SECTION 705 **FEES FOR PERMITS, AMENDMENTS, VARIANCES,
SPECIAL USE PERMITS, SITE PLAN REVIEW AND
PLANNED UNIT DEVELOPMENTS**

Fees may be charged for the processing of applications for the various permits, amendments, and variances required and/or permitted by the provisions of this Zoning Law together with site plan review and Planned Unit Developments. The fees shall be set by separate resolution of the Town Board and may be changed from time to time in the same manner. Any and all costs incurred by the Town, in its sole discretion, for review of Zoning and/or Permit Applications shall be borne by the Applicant, including but not limited to, Engineering, Legal, and other consultant fees. The Applicant shall be billed in a timely manner and shall reimburse the Town within 30 days of receipt of said bill.

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

RESOLUTION # 56 of 2015 – Payment of Abstract

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; Supervisor Lawrence, 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 2015 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 # 15 of 2015.

RESOLUTION # 57 of 2015 – New York State Magistrates Association 2015 Annual Conference – Justice Mileham

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; Supervisor Lawrence, AYE. ALL AYES - MOTION CARRIED

WHEREAS Justice Edwin F. Mileham, Jr. is requesting permission to attend the New York State Magistrates Association 2015 Annual Conference September 27th to September 30th, 2015 in Niagara Falls, NY; and

WHEREAS monies for this Educational Conference are in the 2015 budget; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board grants permission to Justice Edwin F. Mileham, Jr, to attend the above mentioned Educational Conference.

On **MOTION** of Councilman DeWind, seconded by Councilman Arnold to adjourn the meeting at 7:47 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 MEETING OF AUGUST 12, 2015 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.