

MINUTES of the **Meeting** of the Pembroke Town Board held on **July 13th, 2017** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

PRESENT: John J. Worth, Supervisor
Kathleen Manne, Councilwoman
Thomas Dix, Councilman
K. Warren, Clark, Councilman

OTHERS PRESENT: Nicole M. Begin; Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor, Tom Schneider, Planning Board Chairman.

ABSENT: Edward G. Arnold, Jr., Deputy Supervisor

John J. Worth, Supervisor gave the invocation and led the Pledge to the Flag.

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

PUBLIC HEARING
LOCAL LAW #2 OF 2017
A Local Law entitled - Sewer Use Law

The Public Hearing was opened at 7:01 pm.

Town Clerk Begin read the Affidavit of posting. Supervisor Worth gave a brief summary of the law.

Everyone being heard that wished to be heard, a **MOTION** was made by Councilman Clark, seconded by Councilman Dix to close the public hearing at 7:30 P.M.

ALL AYES - MOTION CARRIED

PUBLIC HEARING
LOCAL LAW #3 OF 2017
A Local Law to Amend Local Law No. 1 of the Year 2009 - Authorizing a Grant to the Genesee County Industrial Development Agency

The Public Hearing was opened at 7:02 pm.

Town Clerk Begin read the Affidavit of posting. Supervisor Worth gave explained that the law will enable the EDC to do more in the BETP.

Everyone being heard that wished to be heard, a **MOTION** was made by Councilwoman Manne, seconded by Councilman Dix to close the public hearing at 7:30 P.M.

ALL AYES - MOTION CARRIED

PUBLIC PARTICIPATION ~ None

APPROVAL OF MINUTES

On **MOTION** of Councilman Dix, seconded by Councilman Clark, to approve the minutes of the meetings of June 8th, 2017 and June 22nd, 2017.

ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

- Mrs. Conti said that a County Wide Shared Services profile has been distributed and it includes the County taking over such items as Assessments, Tax Collection, Highway Maintenance and Zoning among many other services. She asked that the Town Board members sit down with her so she could give them an idea as to what she does so that they can make an informed decision when it comes to deciding whether or not the Town agrees to the plan.

ZONING & CODES ENFORCEMENT – Charles Reid & Tom Schneider

- Mr. Schneider presented the board with a new Building and Zoning Fee Schedule. The fees in that department have not been reviewed since 2003 and the cost of things has increased so it makes sense to make some changes. The new schedule also has sewer connection fees added to it. Most of the changes were to items that were below \$20.00.
- Letters were sent to all people who own dilapidated property. They were informed that they need to repair the property or remove it. There has been a 60% response rate to the mailing.

HIGHWAY – Stephen Stocking

- Mr. Stocking said the Highway Department is way behind due to the rain that we've been getting and having been short-handed for a month. On Monday they will be paving Angling Road. The Stop sign has been installed at the exit to the park. Mr. Stocking also received a lower bid on garment rental for the highway employees from UniFirst and they also provided a quote for mats that is three time lower than Doritex. We will be switching to UniFirst in August.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed. Mrs. Begin reported that she and Deputy Town Clerk Erika Gabbey have been working on different ideas for community center and park use to possibly help out the town and give residents some fun things to do for example yoga in the park, aerobics classes in the community center or Wii bowling or Kan Jam tournaments. There will be more information to come as it becomes available.

PLANNING BOARD – Thomas Schneider

- Mr. Schneider said that Yancey's Fancy applied for an area variance and they will be going before County Planning tonight.

ZONING BOARD OF APPEALS – Terrance Daniel

- ZBA met on a preliminary variance for a non-conforming lot.

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

- The June 2017 monthly reports have been submitted & filed. Judge O’Connor collected \$29,760.00 and Judge Mileham collected \$17,518.00. The state will submit an invoice for their share.

COMMITTEE REPORTS

Councilman Dix – Mr. Dix has been gathering information from the Grant Writers and looking for grants that will be beneficial to the Town for upcoming projects. He has also been checking on the current status of grants that were already applied for.

Supervisor Worth – Mr. Worth reported that he has had several meetings with the engineers, attorney, and Village Board regarding the expansion of the sewer plant. The Intermunicipal Agreement needed to be re-written to accommodate changes to the plant. The Village attorney will be looking it over. The Town attorney has approved it. The GCEDC is looking for any grant funding available to help the project. The letters are being sent out for the SEQR. Mr. Worth is still looking for additional funding. The TA sewer project has had some issues that need to be worked out before they can connect.

Mr. Worth has been working on the town IT equipment changes. Alternative Information Services has started transferring over emails and some things are being done to prepare the server to switch over to the new one. Once the new server is installed the copier will be ordered.

Mr. Worth met Craig Wolcott at the Old Buffalo Road Cemetery and there will be seven stones repaired this year. Mr. Worth is also helping out Richard Rudolph with anything he may need to apply for state grants for the Indian Falls Cemetery.

The 2018 Budget process will begin in late July or August. Mr. Worth is looking for input and any ideas/changes that may want to be done in 2018 so that it can be budgeted for.

RESOLUTIONS

RESOLUTION # 41 of 2017 – Adoption of Local Law No. 2 of 2017 – Sewer Use Law

WHEREAS, a public hearing was held by said Town Board on July 13, 2017, at the Pembroke Town Hall, 1145 Main Road in said Town AT 7:00 P.M. on proposed Local Law No. 2 of 2017 entitled “Sewer Use Law”, and

WHEREAS, a notice of said public hearing was duly advertised in the Daily News, the official newspaper of said Town on June 30, 2017 and posted on the Town sign board at the Pembroke Town Hall on June 28, 2017; and

WHEREAS, the members of the Town Board of the Town of Pembroke have received and have had said Local Law in final form for the period required under Section 20 of the New York Municipal Home Rule Law; and

WHEREAS, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Pembroke, after due deliberation finds it in the best interest of said Town to adopt said Local 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 2017, summarized and made a part of this Resolution, (For full text see Town Clerk) and **BE IT FURTHER**

RESOLVED, that the Town Clerk 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.

SEWER USE LAW
SHORT TITLE AND PURPOSE

- Section 101 - Short Title
- Section 102 - General Purpose
- Section 103 - Specific Purpose

Section 101 – Short Title

For brevity and ease of communication, this Law may be cited as the Town of Pembroke Sewer Use Law.

Section 102 - General Purpose

The general purpose of this Sewer Use Law is to provide for efficient, economic, environmentally safe, and legal operation of the Town of Pembroke TOWN OF PEMBROKE SANITARY SEWER SYSTEM.

Section 103 - Specific Purposes

The specific purposes of this Law are the following:

- (1) To prevent the introduction of substances into the TOWN OF PEMBROKE SANITARY SEWER SYSTEM that will:
 - (a) interfere with the TOWN OF PEMBROKE SANITARY SEWER SYSTEM in any way,
 - (b) Pass through the TOWN OF PEMBROKE SANITARY SEWER SYSTEM to the state's waters and cause contravention of standards for those waters or cause violation of the TOWN OF PEMBROKE SANITARY SEWER SYSTEM's SPDES permit,

- (c) Increase the cost or otherwise hamper the disposal of TOWN OF PEMBROKE SANITARY SEWER SYSTEM sludge and/or residuals,
 - (d) Endanger municipal employees or other persons,
 - (e) Cause air pollution, or groundwater pollution, directly or indirectly,
 - (f) Cause, directly or indirectly, any public nuisance condition.
- (2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
 - (3) To assure that new sewers and connections are properly constructed.
 - (4) To provide for equitable distribution to all users of the TOWN OF PEMBROKE SANITARY SEWER SYSTEM of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

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

Motion: Councilwoman Manne

Second: Councilman Dix

Ayes: Manne, Dix, Clark, Worth

Nays: None

APPROVED by: Unanimous vote (4-0)

RESOLUTION # 42 of 2017 – Adoption of Local Law No. 3 of 2017 - A Local Law to Amend Local Law No. 1 of the Year 2009 - Authorizing a Grant to the Genesee County Industrial Development Agency

WHEREAS, a public hearing was held by said Town Board on July 13, 2017, at the Pembroke Town Hall, 1145 Main Road in said Town AT 7:00 P.M. on proposed Local Law No. 3 of 2017 entitled “A Local Law to Amend Local Law No. 1 of the Year 2009 - Authorizing a Grant to the Genesee County Industrial Development Agency, D/B/A Genesee County Economic Development Center, in Connection with the Planning, Design and Construction of improvements within the Town of Pembroke”, and

WHEREAS, a notice of said public hearing was duly advertised in the Daily News, the official newspaper of said Town on July 3, 2017 and posted on the Town sign board at the Pembroke Town Hall on June 28, 2017; and

WHEREAS, the members of the Town Board of the Town of Pembroke have received and have had said Local Law in final form for the period required under Section 20 of the New York Municipal Home Rule Law; and

WHEREAS, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Pembroke, after due deliberation finds it in the best interest of said Town to adopt said Local 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 2017, a true copy of which is attached hereto and made a part of this Resolution, and **BE IT FURTHER**

RESOLVED, that the Town Clerk 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.

**LOCAL LAW NO. 3 of 2017
AMENDMENT OF LOCAL LAW NO. 1 OF THE YEAR 2009
TOWN OF PEMBROKE, NEW YORK**

A LOCAL LAW TO AMEND LOCAL LAW NO. 1 OF THE YEAR 2009
Authorizing a Grant to the Genesee County Industrial Development Agency, D/B/A Genesee County Economic Development Center, in Connection with the Planning, Design and Construction of improvements within the Town of Pembroke.

BE IT ENACTED by the Town Board (the “Board”) of the Town of Pembroke, Genesee County, New York (the “Town”) as follows:

Section 1. **PURPOSE AND AUTHORITY**

The Genesee County Industrial Development Agency, d/b/a Genesee County Economic Development Center (“GCEDC”), pursuant to and in furtherance of purposes and powers granted pursuant to Article 18-A of the General Municipal Law (the “IDA Act”), intends to develop the Buffalo East Tech Park and would utilize the funds for any design, engineering, permitting and any necessary infrastructure construction which may include expansion/construction of a WWTF to service the Town’s sewer district and BETP to be used by the public (the “Improvements”) within the Town situated at the Buffalo East Technical Park. The improvements will be constructed by GCEDC upon real property to be owned by and under the supervision and control of GCEDC in connection with the development by GCEDC of a proposed Business Park (the “Project”).

The Town has broad authority to adopt local laws not inconsistent with the Constitution and Laws of the State of New York (the "State") relating to its property, affairs and government. The Town is further empowered to adopt local laws in furtherance of its police powers relating to the health, safety and well-being of persons and property within the Town (Municipal Home Rule Law, Section 10). In furtherance of same, the Town is authorized to adopt a local law for the purpose of providing a grant of unallocated funds to GCEDC to facilitate the planning, design and construction of the improvements. To wit, pursuant to applicable sections of the Town Law and Highway Law, the Town did empower to plan, design and construct improvements with municipal funds. The purpose of this Local Law is to authorize the Town to grant up to Four Hundred Thousand and 00/100 Dollars (\$400,000.00) in unallocated funds to GCEDC for the purpose of paying a portion of the costs of the planning, design and construction of the improvements.

Section 2. **GRANT AUTHORIZATION**

The Supervisor of the Town, as the Chief Financial Officer of the Town is hereby authorized to provide the sum of Four Hundred Thousand and 00/100 Dollars (\$400,000.00) to GCEDC to pay a portion of the cost of the planning, design and construction of the improvements (hereinafter, the "Grant"). This grant shall be drawn from unallocated funds appropriated by the Town for economic development purposes. In connection with the administration of the grant to GCEDC, the Supervisor of the Town is further authorized to execute any necessary grant documents, drafts and other agreements as may be approved as to form and content by counsels to the Town.

Section 3. **GRANT CONDITIONS**

The disbursement of the within authorized grant shall be conditioned upon the following:

- a. The improvements shall be constructed by GCEDC in accordance with all applicable construction rules, regulations, codes and standards applicable to the Town in connection with the construction of the public roadways normally, including public bidding and prevailing wage laws;
- b. The use of the grant funds by GCEDC shall be limited to the planning, design and construction of the improvements, which shall be used to develop the park;
- c. The grant shall be provided to GCEDC by the Town in the form of a lump sum upon written request by GCEDC to the Town, such request to be accompanied by Engineer-certified plans, specifications and cost estimates for the improvements.

- d. Upon completion of the improvements, GCEDC shall provide the Town with actual cost documentation relating to the improvements, and
- e. The GCEDC shall adopt a resolution authorizing the acceptance of the grant and the conditions outlined herein.

Section 4. **EFFECTIVE DATE**

This Local Law shall be filed with the office of the Secretary of State pursuant to Municipal Home Rule Law Section 27(1) and shall become effective upon such filing.

Motion: Councilwoman Manne

Second: Councilman Clark

Ayes: Manne, Dix, Clark, Worth

Nays: None

APPROVED by: Unanimous vote (4-0)

RESOLUTION # 43 of 2017 – Server Upgrades

WHEREAS the current server, tower and exchange service being used has outlived its usefulness; and

WHEREAS an upgrade is integral to the operation of the Town Offices; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board authorizes the purchase of a server and components including professional installation services from Alternative Information Systems for a total cost not to exceed \$9,500.00.

Motion: Councilman Clark

Second: Councilman Dix

Ayes: Manne, Dix, Clark, Worth

Nays: None

APPROVED by: Unanimous vote (4-0)

RESOLUTION # 44 of 2017 – Building & Zoning Department Fee Schedule

WHEREAS the Building & Zoning Department Fee Schedule currently in use has not been changed since 2003; and

WHEREAS the cost to operate the Building & Zoning Department by law has gradually increased since 2003; and

WHEREAS it is the intent of the Town of Pembroke, in adopting a new fee schedule, that the cost of enforcing the International Code and Town Zoning Law be borne by the user or applicant; **NOW, THEREFORE, BE IT**

RESOLVED that the Town adopts the new fee schedule which is attached hereto and made a part of this Resolution.

Motion: Councilman Dix

Second: Councilwoman Manne

Ayes: Manne, Dix, Clark, Worth

Nays: None

APPROVED by: Unanimous vote (4-0)

TOWN OF PEMBROKE

BUILDING & ZONING DEPARTMENT FEE SCHEDULE

PURPOSE: It is the intent of the Town of Pembroke, in adopting this fee schedule that the cost of enforcing the International Code and Town Zoning Law be borne by the user or applicant.

I. BUILDING DEPARTMENT FEE SCHEDULE

A. RESIDENTIAL BUILDING PERMITS (Includes Certificate of Occupancy) (Inspection Fees not included)

1. 1 & 2 Family Dwelling			
.25 per Sq. Ft.		Min.	\$180.00
2. Multi-Family Dwelling(s)			
.35 per Sq. Ft.		Min.	\$500.00
3. Accessory Structures, Additions and/or Alterations			
Single story attached or detached			
Sq.Ft			
a) 0-150	UTILITY	Non-Habitable	\$25.00
b) 151-600			\$45.00
c) 601 and up			\$65.00
d) 2 nd Story	Sq. Ft. Fee + Additional		\$25.00
e) Porches & Decks			
i. Up to 150 Sq. Ft.			\$20.00
ii. 151 to 300 Sq. Ft.			\$25.00
iii. 301 and Up			\$40.00

NOTE:

1. For the purpose of determining square footage for fees, measurements will be made on the outside of the structure. Totals will include habitable basement, first floor and any additional habitable floors. Crawl space and attics will not be included.
2. Fee for a permit involving a change of occupancy will be the same as for a new building.
3. Electrical inspections are not included in the building permit schedule of fees and must be conducted by an independent agency acceptable to the Town.

B. MISCELLANEOUS FEES

1. Chimney & Solid Fuel Burning Device includes one (1) inspection	\$70.00
2. Demolition – as required (Hazardous materials removal inspection fee is additional – if required)	\$25.00
3. Swimming Pools * Permanently erected or in-ground Includes one (1) inspection	\$60.00
4. Work commencing without first obtaining Required permits	<u>TRIPLE PERMIT FEE</u>
5. Permit Renewal	\$25.00
6. Temporary Certificate of Occupancy (6 Mo.)	\$25.00
7. Plan Review (New Construction)	\$25.00
8. Standby Generator *	\$25.00
9. Engineering Review Fees Incurred by Town Charges for review services incurred by the town beyond 1-hour will be billed to the applicant within 30-days.	
* Additional Inspections (each) if required	\$25.00

C. INSPECTIONS

1. Inspections as required:	
During normal business hours	\$25.00
Saturdays	\$35.00
Life Safety – Emergencies	\$35.00

NO INSPECTIONS ON SUNDAY & HOLIDAYS except in case of Life Safety Emergencies.

NOTE : Agricultural buildings are not subject to the International Code. To be considered an agricultural building, the applicant must provide substantiation that the building will be used for agricultural purposes.

D. COMMERCIAL AND INDUSTRIAL BUILDING PERMIT FEES

Building Permit Fees only – Inspections, Professional Fees & Applicable Sewer Connection Fees are extra

Value of Construction

Up to \$2,000	\$30.00
\$2,000 to \$25,000	\$45.00 for the first \$2,000 plus \$2.00 for each additional \$1,000 fraction thereof.
\$25,001 to \$50,000	\$85.00 for the first \$25,000 plus \$1.00 for each additional \$1,000 fraction thereof.
\$50,001 to \$100,000	\$135.00 for the first \$50,000 plus \$1.00 for each additional \$1,000 fraction thereof.
\$100,001 to \$500,000	\$165.00 for the first \$100,000 plus \$1.00 for each additional \$1,000 fraction thereof.
\$500,001 to 1,000,000	\$557.00 for the first \$500,000 plus \$1.00 for each additional \$1,000 fraction thereof.
\$1,000,001 to \$5,000,000	\$1,057.00 for the first \$1,000,000 plus \$1.00 for each additional \$1,000 fraction thereof.
\$5,000,000 and UP	\$5,057.00 for the first \$1,000,000 plus \$1.00 for each additional \$1,000 fraction thereof.

All Professional Fees incurred by the Town as part of the Zoning & Planning Review process, including but not limited to engineering and legal fees, shall be billed to the applicant within thirty (30) days of receipt of the bill by the Town. All associated fees shall be paid by the applicant prior to the issuance of the applicable permit, Certificate of Compliance/Occupancy and/or other required approval. The Zoning Administrator may require the applicant to pay a deposit, at the time of application, to be used to offset said professional fee. Any unused portion of said deposit will be returned to the applicant upon final approval.

SEWER CONNECTION FEES

Commercial/Industrial Users in Sewer District 1

Flow (gpd)	Connection Fee
300	\$7,500.00
500	\$12,500.00
1,000	\$25,000.00
2,500	\$62,500.00
5,000	\$125,000.00
7,500	\$187,500.00
10,000	\$250,000.00
10,001 and Up	* see note below

* Additional Sewer Capacity will be calculated at the 10,000 gallon-per-day rate plus \$25.00 for each additional gallon of capacity required.

II. ZONING PERMIT FEE SCHEDULE

A. RESIDENTIAL

1. Residential Dwelling	\$25.00
2. Accessory Structures, Additions, Alterations, Porches, and Decks	\$25.00
3. Signs	\$25.00
4. Ponds (Subject to Special Use Permit)	\$25.00
5. Fence Plan Review	\$25.00
6. Swimming Pools Permanently erected or in-ground	\$25.00
7. Work Commenced without obtaining Permit	<u>TRIPLE PERMIT FEE</u>

B. AGRICULTURAL

1. Agricultural Buildings and Additions to:

Sq. Ft.	
1 – 200	\$15.00
201 – 500	\$20.00
501 – 1,000	\$30.00
1,001 – 1,500	\$35.00
1,502 – 2,500	\$40.00
2,501 – 3,000	\$50.00
3,001 – Up	\$55.00

C. COMMERCIAL AND INDUSTRIAL

\$1.00 per 100 Sq. Ft.

Min \$30.00

III. SCHEDULE OF MISCELLANEOUS ZONING & PLANNING FEES

1. Public Hearing Fee	\$50.00
2. Mobile Home Park License Fee (Annual)	\$75.00
3. Recycling Operations License Fee (Annual)	\$75.00
4. Return Check Fee	\$35.00
5. Natural Production Uses (per Acre)	\$50.00
6. Pond Permit (Public Hearing Required)	\$25.00
7. Special Use Permit Fee	\$50.00
8. Zoning Board Action (Area/Use Variance & Interpretations)	\$25.00
9. Land Separation (per lot)	\$25.00
10. Application for a Rezone (Two Public Hearings required)	\$100.00
11. Zoning Law Book	\$10.00
If Mailed	\$15.00

12. SUB-DIVISION APPLICATIONS

Preliminary Plat	\$100.00
Plus For Each Lot	\$25.00
Sub-Division Plat	\$100.00
Review of Site Plan & SEQR By Town Engineer (Per Application)	\$100.00
Plus Per Lot	\$25.00

All Professional Fees incurred by the Town as part of the Zoning & Planning Review process, including but not limited to engineering and legal fees, shall be billed to the applicant within thirty (30) days of receipt of the bill by the Town. All associated fees shall be paid by the applicant prior to the issuance of the applicable permit, Certificate of Compliance/Occupancy and/or other required approval. The Zoning Administrator may require the applicant to pay a deposit, at the time of application, to be used to offset said professional fee. Any unused portion of said deposit will be returned to the applicant upon final approval.

RESOLUTION # 45 of 2017 – Payment of Abstract

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 2017 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 # 12 of 2017.

Motion: Councilman Clark

Second: Councilman Dix

Ayes: Manne, Dix, Clark, Worth

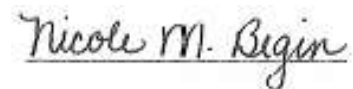
Nays: None

APPROVED by: Unanimous vote (4-0)

On **MOTION** of Councilman Dix, seconded by Councilman Clark to adjourn the meeting at 8:19 P.M.

ALL AYES – MOTION CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk