

MINUTES of the **Meeting** of the Pembroke Town Board held on **April 12th, 2018** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

PRESENT: John J. Worth, Supervisor
Edward G. Arnold, Jr., Deputy 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; Thomas Schneider, Zoning Dept.; James Uebelhoer, Planning Board Chairman.

Supervisor Worth led the pledge of allegiance and Deborah Conti led the prayer.
Supervisor Worth called the meeting to order at 7:00 P.M.

PUBLIC HEARING
LOCAL LAW #2 OF 2018
A Local Law entitled
“Town of Pembroke Solar, Wind, and Farm Waste Energy Systems
Real Property Tax Exemption Opting Out Law”

The Public Hearing was opened at 7:04 pm.

Town Clerk Begin read the Affidavit of posting. Deborah Conti gave a summary of the proposed law and explained how it would benefit the town if at some point we have a tax rate and because of that this is the best time to opt out. Tom Schneider said that the school has also opted out and the County is still considering it.

Everyone being heard that wished to be heard, a **MOTION** was made by Supervisor Worth, seconded by Councilman Clark to close the public hearing at 7:59 P.M.
ALL AYES - MOTION CARRIED

PUBLIC PARTICIPATION ~ None

APPROVAL OF MINUTES

On **MOTION** of Councilman Dix, seconded by Councilman Arnold, to approve the minutes of the meetings of March 8th and March 22nd, 2018.
ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR – Deborah Conti

- Mrs. Conti had nothing to report at this time.

ZONING & CODES ENFORCEMENT – Charles Reid & Tom Schneider

- Monthly report submitted and filed.
- Tom Schneider reported that he has been inspecting the new TA sewer building and has been getting fire inspections finished. The architect for the Tree Doctor has been in to discuss the upcoming project.

HIGHWAY – Stephen Stocking

- Mr. Stocking said that our CHIP's money from NYS will be the same as it was last year, approximately 95K.
- The new loader has been delivered but the department will not use until the snow is done flying.
- The old voting machines have been put up for auction with Auction's International.
- Mr. Stocking informed the board that it is time to order a new plow truck.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed.
- Mrs. Begin informed the board that tax collection has ended for 2018 and all unpaid bills have been returned to the County Treasurers office. The penalties and interest that the Town will keep is \$4,471.09 which is \$1,693.25 less than 2017. Only 85 unpaid bills were returned to the County, the least amount in more than 15 years.

PLANNING BOARD – Thomas Schneider

- Planning Board Chairman Jim Uebelhoer said that they have been reviewing special use permits and the and Tom Schneider took a ride around town to see if they can address any issues that have been reported. Speedway has received their preliminary numbers for sewer connection.

ZONING BOARD OF APPEALS – Terrance Daniel

- There will be an April ZBA meeting on April 18th to review a pond permit.

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

- The March 2018 monthly reports are submitted. Fines and fess totaled \$52,966.00. The NYS Comptroller will bill for their share.

COMMITTEE REPORTS

Councilman Dix – Mr. Dix is working on the hazmat mitigation information for the County.

Councilman Arnold – Mr. Arnold discussed the Community Center kitchen/hall rental with the town attorney. Mr. Arnold proposes the following fee schedule:

HALL ONLY: \$200.00 / HALL with KITCHEN : \$230.00

KITCHEN ONLY: MONTHLY RENTAL : \$600.00 / SINGLE DAY: \$30.00 / CONSECUTIVE DAYS: \$25.00/day

Key Deposit (All users): \$25.00 - Key Deposit returned when key brought back. Cleaning/Closing Fee Deposit: \$75.00 – returned after hall is inspected. In 2019 all Non-Profit groups will pay \$50.00 per use to cover cleaning of the hall, non-refundable.

A **MOTION** was made by Councilman Dix, seconded by Councilman Clark to adopt the fee schedule proposed by Councilman Arnold above.

Motion: Councilman Arnold

Second: Councilman Dix

Ayes: Arnold, Manne, Dix, Clark, Worth

Nays: None

APPROVED by: Unanimous vote (5-0)

Supervisor Worth – Mr. Worth said he attended a Town of Alabama board meeting and obtained permission for residents on North Pembroke and Galloway Roads to connect to Alabama’s water line as “out-of-district” users.

Attorney Mark Boylan will be at the next Town Board meeting to discuss the County Water Agreement.

A new smart tv will be purchased. The new Surface Pro i5 was purchased on state contract to replace the old laptop.

A **MOTION** was made by Councilman Dix, seconded by Councilman Clark to purchase a new smart television for a cost not to exceed \$800.00

Motion: Councilman Arnold

Second: Councilman Dix

Ayes: Arnold, Manne, Dix, Clark, Worth

Nays: None

APPROVED by: Unanimous vote (5-0)

Supervisor Worth and Councilman Arnold spoke with the Town Attorney and he has been in contact with Lynn Wilkinson’s attorney regarding the Houseknecht Road issue that has been an ongoing obstacle for several years. The adjoining property owners have been contacted and hopefully a resolution is forthcoming.

OLD BUSINESS

1. Dishwasher at Community Center – The town will bid out as is and the highway department will disconnect it.
2. Project Reports (Gazebo / Dug outs) park grant – The gazebo specs have been received. Once the weather finally changes the highway department can start the ground work for both the gazebo and the dugouts.
3. Truck garage building – Will need to be discussed further and a plan will be made.

NEW BUSINESS

1. Dog license law update – The dog license law update will need to take place before any more residents can be sent to court for unlicensed dogs.

RESOLUTIONS

RESOLUTION # 23 of 2018 – Contract for Heating & Air Conditioning – Turnbull Heating & Air Conditioning

WHEREAS the contract for scheduled maintenance for heating and air conditioning for the Corfu Court building and the Town Hall expired on March 1st, 2018; **NOW, THEREFORE BE IT**

RESOLVED, that the Town of Pembroke Town Board, authorizes the Pembroke Town Supervisor to enter into a renewal contract, for 2018-19, with Turnbull Heating & Air Conditioning of 50 Franklin Street, Batavia, New York 14020, for the scheduled maintenance of the Town of Pembroke Community Center, located at 116 E. Main Street, and the Town Hall located at 1145 Main Road, Corfu, New York 14036; **AND, BE IT FURTHER**

RESOLVED, that the summer and winter maintenance price for service at both the Corfu Court building and Town Hall will not exceed \$2,200.00 plus the service rate per hour charged at time of repair and/or maintenance.

Motion: Councilman Dix
Second: Councilman Clark
Ayes: Arnold, Manne, Dix, Clark, Worth
Nays: None
APPROVED by: Unanimous vote (5-0)

RESOLUTION # 24 of 2018 – 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 2018 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 # 7 of 2018.

Motion: Councilman Arnold
Second: Councilman Dix
Ayes: Arnold, Manne, Dix, Clark, Worth
Nays: None
APPROVED by: Unanimous vote (5-0)

RESOLUTION # 25 of 2018 – Purchase of Surface Pro i5 to replace laptop

WHEREAS, the laptop computer used is experiencing problems due age and should be replaced **NOW, THEREFORE, BE IT,**

RESOLVED that the Town Board hereby approves the purchase of a Surface Pro i5 and accessories from State Bid for a cost not to exceed \$1,300.00. Monies for this purchase are in the 2018 budget.

State contract and purchase order is attached.

Motion: Supervisor Worth

Second: Councilman Clark

Ayes: Arnold, Manne, Dix, Clark, Worth

Nays: None

APPROVED by: Unanimous vote (5-0)

RESOLUTION # 26 of 2018 – Adoption of Local Law No. 2 of the Year 2018 – A Local Law entitled, Town of Pembroke Solar, Wind, and Farm Waste Energy Systems Real Property Tax Exemption Opting Out Law

WHEREAS a Public Hearing was held by the Pembroke Town Board at a regular meeting on April 12th 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 April 3rd, 2018, and posted on the sign board at the Pembroke Town Hall, on a proposed Local Law entitled, Town of Pembroke Solar, Wind, and Farm Waste Energy Systems Real Property Tax Exemption Opting Out Law; and

WHEREAS the members of the Town Board have had said Local Law No. 2 of the Year 2018 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 Local Law; **NOW, THEREFORE, BE IT**

RESOLVED:

**LOCAL LAW NO. 2 of 2018
TOWN OF PEMBROKE
A PROPOSED LOCAL LAW ENTITLED,
“TOWN OF PEMBROKE SOLAR, WIND, AND FARM WASTE ENERGY SYSTEMS
REAL PROPERTY TAX EXEMPTION OPTING OUT LAW”**

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

SECTION I. AUTHORITY

The Town Board of the Town of Pembroke enacts this local law under the authority granted by New York Municipal Home Rule Law, §10.

SECTION II. LEGISLATIVE PURPOSE AND INTENT

The intent of this Local Law is to allow the Town of Pembroke to opt out of solar, wind, and farm energy systems real property tax exemptions pursuant to Subdivision 8 of §487 of the Real Property Tax Law.

SECTION III. TITLE

This local law shall be known as "Town of Pembroke Solar, Wind, and Farm Waste Energy Systems Real Property Tax Exemption Opting Out Law."

SECTION IV. ENACTMENT

The Town Board of Pembroke shall not permit any exemption within its jurisdiction pursuant to §487 of the Real Property Tax Law of the State of New York with respect to any solar, wind, or farm waste energy systems constructed subsequent to the effective date of this Local Law.

SECTION V. SEPARABILITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not affect the remainder of said local law which shall remain in full force and effect.

SECTION VI. INCONSISTENCY

All resolutions, ordinances or local laws or portions thereof of the Town of Pembroke not consistent with this ordinance, in whole or in part, shall be repealed.

SECTION VIII. EFFECTIVE DATE

This local law shall become effective upon the filing with the New York State Department of State.

Motion: Supervisor Worth

Second: Councilman Dix

Ayes: Arnold, Manne, Dix, Clark, Worth

Nays: None

APPROVED by: Unanimous vote (5-0)

RESOLUTION # 27 of 2018 – Resolution Authorizing Assumption of Liability for Highway Work Permit Stamp Offsite Water Main Phase Four in the Town of Pembroke

WHEREAS, The Town of Pembroke, being a co-applicant on a Highway Work Permit issued by the New York State Department of Transportation for the Genesee County Economic Development Center, STAMP Offsite Water Main Phase-4 Project on State Route 77 within the Towns of Alabama and Pembroke, and

WHEREAS, in lieu of a performance bond for the portion of the project located in the Town of Pembroke, the State of New York will only allow the water main installation if the Town of Pembroke agrees to assume full responsibility and liability and guarantees remediation of any damage caused directly or indirectly within the state right-of-way in accordance with its Undertaking with New York State; **NOW, THEREFORE, BE IT**

RESOLVED:

Section 1: That upon construction of the water main, the Town of Pembroke agrees to assume full responsibility and liability and guarantees remediation of any damage caused directly or indirectly within the state right-of-way in accordance with its Undertaking with New York State.

Section 2: That this resolution shall take effect immediately.

Section 3: That the Town Clerk is hereby directed to transmit two (2) certified copies of the foregoing resolution to:

New York State Department of Transportation
1530 Jefferson Road
Rochester, New York, 14623
Attn: David Goehring, Regional Traffic Engineer.

Motion: Supervisor Worth

Second: Councilman Clark

Ayes: Arnold, Manne, Dix, Clark, Worth

Nays: None

APPROVED by: Unanimous vote (5-0)

On **MOTION** of Councilman Clark, seconded by Councilwoman Manne to adjourn the meeting at 8:07 P.M.

ALL AYES – MOTION CARRIED.

Respectfully submitted,

Nicole M. Begin

Nicole M. Begin, Town Clerk