

MINUTES of the **second Regular Meeting** of the month of the Pembroke Town Board held on **November 29, 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
K. Warren Clark, Councilman
Thomas Dix, Councilman

OTHERS PRESENT: Stephen Stocking, Highway Superintendent; Tom Schneider, Zoning Dept.; James Uebelhoer, Planning Board.

ABSENT: Nicole M. Begin, Town Clerk

Supervisor Worth called the meeting was called to order at 6:00 P.M.

OLD BUSINESS

1. Dugouts & Gazebo Grant – Tom Schneider ran electrical wiring lined in the building and ready for electrician to connect. We will be submitting the paid invoices for DASNY grant reimbursement. Dugouts will begin in the spring. Tom will meet with school next week regarding workout stations and disc golf.
2. Building plans – Nothing to report.
3. Sewer Easements (3) that we need signed – Tom and Jim Uebelhoer will see if they can get them signed.
4. County sales tax plan & revenue sharing plan – Town’s and Villages were given written notice by mail that they are not included in the sales tax agreement going forward.
5. Dist. 4 water plans – The DOT roundabout in Alabama may slow down the Water District No. 4 plans.
6. 5 Year Plan – Katie and Tom are still working on this.
7. GAM Report – There are some town’s that are very concerned with the County sales tax agreement with the City and their revenue sharing plan. It was discussed at GAM.
8. DASNY Close out – Will close out the grant as soon as paid invoices are submitted.

NEW BUSINESS

- 1- Phase Two for Park – In planning stages with a lot of great things coming in 2019 in conjunction with the school.
- 2- Comprehensive plan review – The meeting will now take place until January due to other zoning topics that have arisen.
- 3- ARC increase because of minimal wage increase’s – The ARC sent a letter that the rates will be increasing due to the NYS minimum wage increase.

A **MOTION** was made by Councilwoman Manne, seconded by Councilman Arnold to continue using ARC janitorial services at the increased cost of \$84.00 per month.

ALL AYES - MOTION CARRIED.

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- 4- Ag and Market agreement – Agreement signed for a couple Pembroke residents to connect to the Alabama water line that runs by their house.
 - 5- Tax exemptions map – Supervisor Worth recommended future discussions by Deb Conti to explain how tax exemptions work with regard to the map.

COMMITTEE REPORTS

Councilman Arnold – Mr. Arnold will meet with the Cornerstone Church in East Pembroke regarding parking at the East Pembroke Cemetery.

Supervisor Worth – Mr. Worth is keeping a close on the what is happening pertaining to the County agreement to protect the town residents. The board discussed the repercussions to the towns throughout the county. The town received a renewal agreement from Toshiba for maintenance on the copier for \$327.00.

A **MOTION** was made by Councilman Arnold, seconded by Councilman Dix to renew the agreement with Toshiba for maintenance on the copier for \$327.00.

ALL AYES - MOTION CARRIED.

Superintendent Stocking – A resident on Short Street has power lines that run from the barn across the road and they have gotten hit several times by tractor trailers using the road to turn around. The board is looking into what help the town can legally provide.

The new mowing tractor was delivered today. It ended up costing \$47,100.00, \$13,000.00 less than it was budgeted for.

RESOLUTIONS

RESOLUTION #73 of 2018 - Lateral Restrictions Adjacent to Town of Alabama Water Dist. No. 2

**TOWN OF PEMBROKE - ALABAMA WATER DISTRICT No. 2
LATERAL RESTRICTIONS RESOLUTION**

WHEREAS, the Town Board of the Town of Pembroke recognizes that there is land located adjacent to the Town of Alabama Water District No. 2 created pursuant to Article 12 of Town Law for the express purpose of providing public water to residents within the Town of Alabama and along portions of Galloway Road and North Pembroke Road (Alabama Phase 3 project) in the Town of Pembroke where a district will not be created; and

WHEREAS, the Town Board of the Town of Pembroke will create the Town of Pembroke Water District No. 4 pursuant to Article 12 of Town Law for the express purpose of providing public water to residents along portions of McAlpine Road and Meiser Road (Alabama Phase 3 project) and Alleghany Road/NYS Route 77 (Alabama Phase 4 project); and

WHEREAS, a portion of the land within the Town of Pembroke adjacent to the Town of Alabama Water District No. 2 is also within Genesee County Agricultural District No. 2; and

WHEREAS, the Town of Alabama, the Phase 3 project sponsor, and Genesee County Economic Development Center (GCEDC), the Phase 4 project sponsor, have jointly filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 2; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agriculture District, and has requested the adoption of its Lateral Restriction policy to avoid potential adverse impacts to the Agricultural District;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction-Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Pembroke imposes the following conditions, as warranted or recommended on the management of water lines located along the portions of Galloway Road, North Pembroke Road, McAlpine Road and Meiser Road adjacent to the Town of Alabama Water District No. 2, and Alleghany Road solely within the Town of Pembroke within an agricultural district as presently constituted:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply and clearly demonstrate the need for public water. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.
- (5) Hydrants and valve boxes must not be placed directly in agricultural fields.
- (6) Lateral restrictions shall only be placed on existing parcels within the existing county adopted, State certified agricultural district as presently constituted. No restrictions shall be placed on parcels outside of the agricultural district that limit growth or development by having a lateral restriction.

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

RESOLUTION # 74 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 # 22 of 2018.

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

On **MOTION** of Councilman Dix, seconded by Councilman Arnold to adjourn the meeting at 7:12 P.M. ALL AYES – MOTION CARRIED.

Respectfully submitted,

Nicole M. Begin

Nicole M. Begin, Town Clerk

(Minutes taken by recording)

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF NOVEMBER 29, 2018 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO BEING ACCEPTED BY THE TOWN BOARD AT THE FIRST REGULAR TOWN BOARD MEETING OF EACH MONTH.

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