

MINUTES of the **Meeting** of the Pembroke Town Board held on **March 12th, 2020** at the Pembroke Town Hall, 1145 Main Road, Corfu, New York.

PRESENT: Thomas Schneider, Supervisor
Edward G. Arnold, Jr., Deputy Supervisor
K. Warren, Clark, Councilman
Thomas Dix, Councilman

ABSENT: Kathleen Manne, Councilwoman, Stephen Stocking, Highway Superintendent

OTHERS PRESENT: Nicole M. Begin; Town Clerk; James Wolbert, Zoning, James Uebelhoer, Planning Board; Terry Daniel, ZBA.

Supervisor Schneider led the pledge of allegiance & called the meeting to order at 6:30 P.M.

PUBLIC HEARING
LOCAL LAW #2 of 2020
A LOCAL LAW TO AMEND LOCAL LAW # 1 of 1991
ZONING LAW TEXT CHANGES

The Public Hearing was opened at 6:30 pm.

Town Clerk Begin provided the Affidavit of posting. Supervisor Schneider gave a summary of the proposed law and the reason it was brought about.

Residents from Indian Falls Road spoke in opposition of the change and provided reasons for their opposition. The residents passed a petition and obtained over 100 signatures. They also said that they feel this change would be against the town's Comprehensive Plan and would change the aspect of the neighborhood. The residents asked that the board consider the feelings of the residents.

Planning Board Chairman James Uebelhoer said his board feels that the American Legion and other similar development isn't a good fit for residential areas and that it should be on an arterial highway.

ZBA Chairman also felt that a change this significant should be made in the Comprehensive Planning not done by spot zoning.

Supervisor Schneider explained that this is the process we need to follow to all parties' due process.

Everyone being heard that wished to be heard, a **MOTION** was made by Councilman Arnold, seconded by Councilman Clark to close the public hearing at 7:14 P.M.

ALL AYES - MOTION CARRIED

PUBLIC PARTICIPATION ~ Mr. Schafer or Akron Road questioned the VA's request for a four way stop at Alleghany Road and Indian Falls Road. Mr. Schafer suggested a light with controls to blink yellow at night as this would be a safer way to control traffic.

Supervisor Schneider felt the same and did replay that to the VA Official when speaking to them about their request for the Town's support. Another resident suggested a left-hand turning lane as well.

Mr. Uebelhoer is going to investigate purchasing defibrillators for the town buildings.

APPROVAL OF MINUTES

On **MOTION** of Councilman Arnold, seconded by Councilman Dix, to approve the minutes of the meetings of February 13th and February 27th, 2020.

ALL AYES - MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR – Tina McQuillen

- Report received and filed.

ZONING & CODES ENFORCEMENT – Jim Wolbert

- Report received and filed.
- Jim Wolbert reported that he has done 8 inspections and issued 4 building permits in February. His next task will be to work on citations for repeat offenders of violations, but he asked for town board support and guidance.
- Mr. Wolbert sat through a BAS Zoning software webinar. The new software would bring the zoning department up to speed, eliminate unnecessary duplication of work and have better record keeping. Mr. Schneider said that starting price is \$13,000.00 to get all the files merged and the program set up and the annual fee for maintenance and updates is \$2,000.00.
- Supervisor Schneider reported the Erik Lang started on Monday March 9th.

HIGHWAY – Stephen Stocking

- Supervisor Schneider said that Superintendent Stocking ordered more salt which will hopefully not be used until the next season.

TOWN CLERK – Nicole M. Begin

- Monthly report submitted and filed.

PLANNING BOARD – James Uebelhoer

- Mr. Uebelhoer will hear two land separations in March and he hopes to complete the Comp. Plan work soon.

ZONING BOARD OF APPEALS – Terrance Daniel

- Mr. Daniel said there is nothing to report as there were no meetings since November 2019. The ZBA will hear two variances in March.

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

- The February 2020 monthly reports are submitted. Fines and fess totaled \$32,874.00. The NYS Comptroller will bill for their share.

OLD BUSINESS

1. The Sewer treatment Plant Expansion has started. The second preconstruction mtg was held on 3/4/20. Mr. Schneider has filed a permit for the work with the Village of Corfu.
2. Charlie Reid was sent a certified letter asking for the return of his cell phone and he switched the phone number to a private plan. He appreciates the kindness of the Town in letting him keep the number.
3. Erik Lang was approved by Genesee County and started in the Zoning Department on Monday 3/9.
4. Court Clerk Sue Parker has been purchasing new computer equipment for the Court using the JCAP Grant funds received.
5. Jim Wolbert and Mr. Schneider sat in on a webinar for the IPS Zoning & Codes software programs offered by Edmunds Govtech/BAS. The software would streamline the process for the Zoning & Codes Department.

NEW BUSINESS

1. The Western New York National Cemetery requested that the Town support speed limit reduction and traffic control at Route 77 & Indian Falls.
2. Port-a-Johns will be delivered to the Town Park April 1st.
3. Jim Uebelhoer, Jim Wolbert and Supervisor Schneider attended the GCEDC Annual Meeting on March 6th. A major topic of presentation was “having shovel ready sites.”
4. The President of PYA has asked if PYA could be allowed to place a portable shed at the Town Park for the Spring, Summer and Fall. They would like to sell snacks out of the building, to raise funds from sporting events held at the Town Park.
5. The flagpole lights are not working. It appears to be a wiring issue. We’ll be calling an electrician in to fix it.

COMMITTEE REPORTS

Councilwoman Manne will be doing the 2019 Court Audit on March 13th.

Mr. Schneider hopes to have the Comprehensive Plan complete in April.

Mr. Schneider and Town Clerk Begin watched a webinar about a new website company. They will provide us with pricing.

RESOLUTIONS**RESOLUTION # 23 of 2020 – 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 2020 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 # 5 of 2020.

Motion: Councilman Arnold
Second: Councilman Dix
Ayes: Arnold, Dix, Clark, Schneider
Nays: None
APPROVED by: Unanimous vote (4-0)

RESOLUTION # 24 of 2020 – Adoption of Local Law No. 2 of the Year 2020 – A Local Law to amend Local Law No. of 1991

WHEREAS a Public Hearing was held by the Pembroke Town Board at a regular meeting on March 12th at the Pembroke Town Hall, 1145 Main Road at 6:30 P.M. pursuant to a Notice of Public Hearing, published in The Daily News on February 29th, 2020, and posted on the sign board at the Pembroke Town Hall, on a proposed Local Law entitled, A Local Law to amend Local Law No. 1 of 1991; and

WHEREAS the members of the Town Board have had said Local Law No. 2 of the Year 2020 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 THE YEAR 2020
 OF THE
 TOWN OF PEMBROKE
 A LOCAL LAW TO AMEND LOCAL LAW # 1 of 1991
 ZONING LAW TEXT CHANGES

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, Local Law No. 1 of 2015, Local Law No. 1 of 2016, Local Law No. 1 of 2017, Local Law No. 1 of 2018, Local Law No. 4 of 2018, Local Law No. 1 of 2019 and is hereby further amended by Local Law No. 2 of 2020 as follows:

SECTION 106

DEFINITIONS

Veterans Service Organization: a not-for-profit post or organization of past or present members of the United States Armed Forces or an auxiliary unit or society of such post or organization. To include Tavern/Restaurant among other uses.

SECTION 402

AGRICULTURAL-RESIDENTIALDISTRICT (AG-R)

B. Uses Requiring a Special Use Permit

24. Veterans Service Organization

Motion: Councilman Arnold

Second: Councilman Clark

Ayes: None

Nays: Arnold, Dix, Clark, Schneider

DENIED by: Unanimous vote (4-0)

THIS LOCAL LAW DOES NOT PASS

RESOLUTION # 25 of 2020 – Speed Limit Reduction request from US Department of Veterans Affairs

WHEREAS, the Western New York National Cemetery has asked for a speed limit reduction on Route 77 from the Thruway bridge to the Hamlet of Indian Falls and on Indian Falls Road from the intersection of Little Falls Road to the intersection of Route 77

WHEREAS, the Western New York National Cemetery is asking the DOT to review options for a four way stop at Route 77 and Indian Falls Road; and

WHEREAS, the Town of Pembroke has been approached in the past regarding safety concerns at the intersection of Route 77 and Indian Falls Road; and

WHEREAS, the intersection of Route 77 and Indian Falls Road has been the site of numerous accidents; **NOW THERE FOR BE IT**

RESOLVED the Town of Pembroke supports the concerns for public safety expressed by the Director of the Western New York National Cemetery in his March 4, 2020 letter to the Commissioner of the New York State Department of Transportation and Highway Superintendent of Genesee County.

Motion: Councilman Dix
Second: Councilman Arnold
Ayes: Arnold, Dix, Clark, Schneider
Nays: None
APPROVED by: Unanimous vote (4-0)

RESOLUTION # 26 of 2020 – Planning Board – Appointment of Joseph Meacham -Alternate

WHEREAS the Town Planning Board has an opening as an alternate member; and

WHEREAS a letter was received from ZBA Alternate Joseph Meacham expressing interest in being on the Planning Board; **NOW, THEREFORE BE IT**

RESOLVED that Joseph Meacham be appointed as an Alternate member of the Planning Board to fill a remaining term expiring December 31st, 2020.

Motion: Councilman Arnold
Second: Councilman Dix
Ayes: Arnold, Dix, Clark, Schneider
Nays: None
APPROVED by: Unanimous vote (4-0)

RESOLUTION # 27 of 2020 – Town of Pembroke Resolution Supporting Home Rule Control for Siting of Wind and Solar Projects

TITLE: Requesting the Withdrawal of the State Budget’s Energy Siting Amendment

WHEREAS, NYS is a Home Rule State, which allows communities the cherished prerogative to control their own destinies; and

WHEREAS, Per the NYS Constitution, Article IX, it is our statutory obligation to protect the health, safety and welfare of citizens of our community; and

WHEREAS, On Feb 21, 2020, Governor Cuomo proposed a Budget Amendment "to dramatically speed up the permitting and construction of renewable energy projects"; and

WHEREAS, this amendment could be passed with the Budget by April 1st, replacing the current Article 10 process with a radically new method for siting renewable energy projects; and

WHEREAS, this amendment will effectively remove any meaningful input from citizens, towns, counties, local environmental groups, and community businesses regarding the siting and regulation of renewable energy projects; and

WHEREAS, the new process is structured such that scientific data, or testimony from qualified experts, will have little bearing regarding siting regulations and approval; and

WHEREAS, once an application is submitted, the new Office of Renewable Energy Siting (ORES) has 60 days to review and determine if it is complete. If the ORES decision is not made in that time, the application is automatically deemed complete; and

WHEREAS, once an application is determined to be complete, ORES has 12 months to approve the project. If the ORES decision is not made in that time, the application is automatically approved! There is no provision for extending this time limit; and

WHEREAS, the Governor's proposal also seems to indicate that the State might get into the ownership and/or operation of renewable energy generation. Such a profound change would also severely limit the ability of local communities to regulate such industrial projects; and

WHEREAS, the proposed changes are not only in conflict with our Home Rule rights but are also contrary to our obligation to protect the health, safety and welfare of our constituents;

NOW, THEREFORE BE IT

RESOLVED the Town of Pembroke formally requests that this Budget Amendment be withdrawn before the Budget is voted on. Additionally, we petition the State to respect our Home Rules rights, and to defend our authority to regulate renewable energy projects as the citizens of our community see fit.

Motion: Councilman Dix

Second: Councilman Arnold

Ayes: Arnold, Dix, Clark, Schneider

Nays: None

APPROVED by: Unanimous vote (4-0)

RESOLUTION # 28 of 2020 – Planning/Zoning Attendance-One Region Forward 2020
Learning Series/Solar Projects

WHEREAS Planning Board members James Uebelhoer, Philip Conti, Michael Bakos, Greg Kuras plus Zoning Officers James Wolbert and Erik Lang are requesting permission to attend the One Region Forward 2020 Learning Series/Solar Projects March 20th, 2020 in Cheektowaga, NY; and

WHEREAS monies for this Educational Conference are in the 2020 budget; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board grants permission to James Uebelhoer, Philip Conti, Michael Bakos, Greg Kuras, James Wolbert and Erik Lang, to attend the above-mentioned Educational Conference.

Motion: Councilman Clark

Second: Councilman Arnold

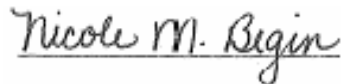
Ayes: Arnold, Dix, Clark, Schneider

Nays: None

APPROVED by: Unanimous vote (4-0)

On **MOTION** of Councilman Dix, seconded by Councilman Arnold to adjourn the meeting at 7:32 P.M. - ALL AYES – MOTION CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk