

MINUTES of the Pembroke Town Board Workshop held on November 25, 2009 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: James H. Tuttle, Supervisor
Gary L. DeWind, Councilman
E. James Mallory, Councilman

ABSENT: Edward G. Arnold, Jr., Councilman; and Peter Sformo, Councilman

OTHERS PRESENT: Andrea Davis, Town Clerk; Steve Stocking, Hwy. Supt.; Steve Hyde, Chad Zambito, and Chris Suozzi, GCEDC; Tom Carpenter, Clark Patterson Lee; and John Worth.

Supervisor Tuttle called the meeting to order at 7:32 A.M.

OLD BUSINESS

YANCY’S FANCY – Everything for the contract and resolution has been received from Mark Boylan regarding the Yancy’s Fancy grant; we are in the final stages. We are authorized to enter into the agreement with the Genesee County Gateway Local Development Corp. (part of GCEDC).

Mr. Carpenter is here to discuss the proposed sewer system and Mr. Hyde is here to present and Overview and Update of the Buffalo East Technology Park.

The floor was opened to Mr. Hyde who wanted to present to the Board a report on where we have been and where we are going. A handout was distributed so they may follow along. He started by reviewing their agenda which included the History and Activity, Strategy, Execution, and a summary. The Pembroke Commerce Park was starting its development in 2004. In 2009 approx. \$300K of the grant monies was used on engineering, environmental work and preparations to break ground. Other topics reported on were the Environmental Deliverables, RFP responses, and site visits. Maps were presented noting driving times to the Genesee Co. site from various areas; utilities; and wetlands. Mr. Hyde went on to talk about their strategy for attracting a hi-tech manufacturing company by attempting to make the park shovel ready. Infrastructure funding, further execution of the project for 2010, and the return on their investment was also discussed.

Steve Hyde, Chad Zambito, and Chris Suozzi left at 8:40 A.M.

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Tom Carpenter of Clark Patterson Lee was present to discuss the proposed sewer study. Supervisor Tuttle provided the Board with three (3) samples of different sewer projects that he obtained from the internet. He has been in contact with the School and they feel that the debt service would be 2 to 3 times more than what they are paying now and the residents on Rt. 77 are not interested in having a sewer line or hooking up to one.

Mr. Carpenter provided the Board with copies of the Memorandum of September 14, 2009 regarding the Sanitary Sewer Study. He reviewed the proposed study areas; the existing conditions and needs within the

study area; future meetings; and evaluation of collection and treatment alternatives. Maps were reviewed regarding the feasibility of proposed areas and a capital cost overview.

Richard Kutter spoke about the potential problem that there could be regarding the pre-treatment of our waste before it goes into the treatment plant.

Supervisor Tuttle said that we need to decide what way we want to go and to start looking at grants.

Mr. Carpenter suggested that we meet again to discuss this project.

Park Grant Close Out – An e-mail has been received from O’Connell that State Parks requires a special audit.

NEW BUSINESS

Open Burning Law – Copies of the two (2) bills from Sen. Dan Burling and Sen. Steve Hawley regarding open burning were provided to the Councilmen. It was presented at the GAM Meeting asking them for letters of support. A letter will be sent from the Town of Pembroke.

Payment to Reduce Property Tax – The County has approved the budget and we will be hearing from them soon regarding our monies being returned.

We will be doing a resolution to do a budget amendment to appropriate \$116K of unallocated sales tax money to the highway equipment fund.

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RESOLUTIONS

On **MOTION** of Supervisor Tuttle, seconded by Councilman De Wind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Mallory, AYE; Councilman De Wind, AYE; Supervisor Tuttle, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION NO. 75 of 2009 – AUTHORIZATION TO ENTER INTO A GRANT AGREEMENT WITH THE GENESEE GATEWAY LOCAL DEVELOPMENT CORPORATION FOR THE IMPLEMENTATION OF A COMMUNITY DEVELOPMENT BLOCK GRANT RECEIVED FROM THE NEW YORK STATE HOUSING TRUST FUND CORPORATION

WHEREAS, the Town of Pembroke (“Town”) has received Federal grant assistance in the amount of one hundred sixty six thousand dollars (\$166,000.00), the (“Grant”) from the New York State Housing Trust Fund Corporation represented by the New York State Office of Community Renewal (“OCR”) through the

Community Development Block Grant (“CDBG”) Program (OCR Grant #893ED664-09) for the purpose of providing financing to assist Yancey’s Fancy, Inc. (“Yancey”) in the expansion of its operations in the Town; and

WHEREAS, a portion of the Grant proceeds is to be used to provide a term loan to Yancey to finance the purchase and installation of certain machinery and equipment (the “Project”), which Project is more particularly described in the application submitted by the Town to OCR dated October 8, 2009; and

WHEREAS, a portion of the Grant proceeds is to be used to fund administrative and program delivery costs associated with the implementation of the Grant; and

WHEREAS, the Genesee Gateway Local Development Corporation (“GGLDC”) has the capacity to provide such financing and to administer the Grant in the best interests of the Town, and

WHEREAS, GGLDC is a not-for-profit corporation eligible to receive grants of CDBG funds pursuant to Section 105(a)(15) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. §5305), be it

RESOLVED, that the Town will enter into an agreement with the Genesee Gateway Local Development Corporation for implementation and administration of the OCR Grant under terms and conditions fully reviewed and agreed to by the Town Attorney.

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On **MOTION** of Councilman De Wind, seconded by Councilman Mallory, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Mallory, AYE; Councilman De Wind, AYE; Supervisor Tuttle, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION #76 of 2009 – Appropriation of Unanticipated Sales Tax to Reduce County Tax

WHEREAS the Pembroke Town Board wishes to help defray the cost of the 2010 County Tax burden to the residents of the Town of Pembroke; and

WHEREAS the Pembroke Town Board has determined there is unanticipated Sales Tax received in 2009 in excess of the amount Budgeted in the 2009 Budget; **NOW, THEREFORE, BE IT**

RESOLVED that the Pembroke Town Board appropriates \$96,000.00 of said unanticipated Sales Tax to add to the \$100,000.00 Budgeted in the 2009 Town of Pembroke Budget for a total of \$196,000.00 to be used to reduce the 2010 County Tax burden to all town property owners outside the Village of Corfu.

Budget Journal Entries as follows:

| | | | |
|---------|-------------------------------------|-------------|-------------|
| B1120 | Sales Tax | \$96,000.00 | |
| B1972.4 | County Treasurer –Reduce County Tax | | \$96,000.00 |

On **MOTION** of Councilman De Wind, seconded by Councilman Mallory, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Mallory, AYE; Councilman De Wind, AYE; Supervisor Tuttle, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION #77 of 2009 – Appropriation of Unanticipated Sales Tax to Replenish Highway Equipment Reserve

WHEREAS the Pembroke Town Board wishes to help maintain a Reserve Fund sufficiently funded to provide timely replacement of Highway Equipment;

WHEREAS the Pembroke Town Board has determined there is unanticipated Sales Tax received in 2009 in excess of the amount Budgeted in the 2009 Budget; **NOW, THEREFORE, BE IT**

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RESOLVED that the Pembroke Town Board designates \$116,000.00 of said unanticipated Sales Tax to bring the Highway Equipment Reserve Fund to the amount available before purchase of the 2009 Mack Truck and chassis.

On **MOTION** of Supervisor Tuttle, seconded by Councilman De Wind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Mallory, AYE; Councilman De Wind, AYE; Supervisor Tuttle, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION #78 of 2009 – Proposal for Engineering Services – Town of Pembroke Water District No. 4 – CPL Project No. 11387.00

WHEREAS the Pembroke Town Board desires to establish Water District #4 in the Town of Pembroke; and

WHEREAS Clark Patterson Lee has submitted a proposal for the engineering services related to the design and construction of the water main for said project; **NOW, THEREFORE, BE IT**

RESOLVED that the Town Board of the Town of Pembroke hereby accepts said proposal as submitted and reviewed.

Councilman Mallory left at 9:30 A.M.

ROUND TABLE DISCUSSION

Councilman De Wind – He will be absent from the December 9th meeting.

Highway –

- The generator that was put out for bid was paid for and picked up.

- The tree work is done.
- In 2010 the State will be redoing Rt. 33 from the County line to Corfu.

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| On MOTION of Councilman De Wind, seconded by Supervisor Tuttle, to adjourn the Workshop at 10.35 P.M.

| Respectfully submitted,

| _____
Andrea M. Davis
Town Clerk

| THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD WORKSHOP OF NOVEMBER 25, 2009 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.