

MINUTES of the Regular Meeting of the Pembroke Town Board held on September 12, 2007 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: Edward L. Beideck, Supervisor
E. James Mallory, Councilman
Peter Sformo, Councilman
Gary DeWind, Councilman
Edward Arnold, Jr., Councilman

OTHERS PRESENT: Andrea Davis, Town Clerk; Stephen Stocking, Highway Superintendent; Deborah Conti, Assessor; Richard Reeves, Zoning Enforcement Officer; James Tuttle; Adam Cunningham; Terry Daniel; and Lynn Schafer.

Deborah Conti gave the invocation.
Supervisor Beideck led the Pledge to the Flag.

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

On **MOTION** of Councilman Sformo, seconded by Councilman Mallory, to approve the Minutes of the 7/18/07 Public Hearing; the 7/30/07 Comprehensive Plan Workshop; the 8/03/07 Workshop; the 8/08/07 Regular Meeting; and the 8/31/07 Special Meeting.
ALL AYES – MOTION CARRIED.

DEPARTMENT REPORTS

ASSESSOR

Deborah Conti reported that the Citrix Server has now been opened to the Town Clerk, Planning, and Zoning Departments allowing them to obtain information they require for applications, public hearings, etc.

Tomorrow, Sept. 13th, Mr. Conti will start driving around the Town on Tuesdays and Thursdays doing 2008 revaluations.

PLANNING BOARD

Minutes of the August 29th meeting submitted and filed.

ZONING BOARD OF APPEALS

Minutes of the August 13th meeting submitted and filed.
Regular Town Board

ZONING AND CODES

Zoning and Codes monthly report for August has been submitted and filed.

ZONING ENFORCEMENT OFFICER

Zoning Enforcement Officer's monthly report for August has been submitted and filed.

JUSTICES

The Justices' monthly reports for August have been submitted and filed.
Supervisor Beideck reviewed the reports for the Board.

TOWN CLERK

- Town Clerk's monthly report for August has been submitted and filed.
- The Election Inspectors are selected and prepared for the September 18th primary.
- The Log Cabin has informed us that they are renewing their liquor license.

HIGHWAY

- All is ready for the School and Village to utilize the Town's gas pumps.
- The Highway Dept. was removing brush due to the storm.
- The road striping has started.
- Mowing continues.

SUPERVISOR'S REPORT

The Supervisor's monthly report for August has been submitted and filed.
Supervisor Beideck reported on the following:

- The Comprehensive Plan Public Hearing will be held next week at the Community Center.
- The SEQR needs to be completed for the Wind Mill Law and the Incentive Zoning Law.
- We are working with the Town Attorney on the letter received from the Corfu Fire District.

Regular Town Board

-3-

09-12-07

- The 2008 budget process is underway. We are still waiting for some of the budget requests.
- The construction for the interior remodeling to the Town Hall will commence again on Monday.
- This month's GAM Meeting will be held in Elba next Thursday.
- The bid opening for Water Dist. #3 will be on September 20th at 10:00A.M. It may be difficult to get

MCWA to upsize the pipe. We will be doing a resolution regarding the easements that MCWA requires.

- The Board was provided a copy of an e-mail from the Parks Dept. regarding the gas well.
- Correspondence has been received from the Comptroller's Office indicating that there will be a reduction in the amount that the Town has to pay into the Employees' Retirement Fund.
- Supervisor Beideck reported on the status of the Town Park Project.

PUBLIC PARTICIPATION

Adam Cunningham was present to discuss the budget request for the Library and to update the Board on current and future projects to improve the facility for the public.

Terry Daniel stated that back in July there was discussion on road signs and was inquiring about the status of the matter. Supervisor Beideck stated that the Town Attorney was contacted and was advised that a public hearing, etc. would be required. The Board will discuss this matter further.

Lynn Schafer commented that he was still unsure of the timeline for the Comprehensive Plan and inquired about another Public Hearing and when the vote would take place. Supervisor Beideck said that the vote may be taken at the Public Hearing on Monday.

COMMITTEE REPORTS

Audit, Finance, Insurance, Investment, & Purchasing

There was no report.

Regular Town Board

-4-

09-12-07

Building & Ground

There was no report.

Highway/Assessment/Court

There was no report.

Planning, Zoning, Code Enforcement

Intermunicipal

There was no report.

Public Services, Water, Sewer, Refuse/Recycling

There was no report.

Youth Recreation

Councilman Sformo stated that

Human Resources/Benefits

There was no report.

Parks/Land Acquisition

Economic & Community Development

There was no report.

Regular Town Board

-5-

09-12-07

PUBLIC PARTICIPATION

Jim Tuttle asked if the Town knew anything about the archeological dig that is taking place of Route 77. Supervisor Beideck said that the State is going to do a major project involving the bridge at Cohocton Road so it might be regarding that.

RESOLUTIONS

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

RESOLUTION #93 of 2007 – GCEDC Waterline Installation Agreement

WHEREAS Genesee County Economic Development Corp.(GCEDC) is beginning constructing at the Pembroke Commerce Park at the corner of Route 5 and Route 77 in the Town of Pembroke; and

WHEREAS the Town of Pembroke will be utilizing a portion of remaining grant funds from Water District #1 to provide the installation of all necessary water main and appurtenances for the Pembroke Commerce Park that fall within Water District #1; and

WHEREAS the GCEDC will be constructing a roadway into the Pembroke Commerce Park; and

WHEREAS the Town of Pembroke wishes to have GCEDC act on behalf of the Town to install the water main inside the Park; **NOW, THEREFORE BE IT**

RESOLVED that the Pembroke Town Board authorizes the Supervisor to sign an agreement with GCEDC to install the water main in the Pembroke Business Park.. A copy of said agreement is attached to these minutes.

Regular Town Board

-6-

09-12-07

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

RESOLUTION #94 of 2007 – Budget Amendment/A1120 Sales Tax

WHEREAS the Pembroke Town Board has determined that an additional \$80,000 may be necessary to complete Phase I of the Town Park Project; and

WHEREAS the Pembroke Town Board wishes to complete Phase I of the Town Park Project in 2007; **NOW, THEREFORE BE IT**

RESOLVED that the Pembroke Town Board amends the 2007 Town Budget by transferring \$80,000 from A1120-Sales Tax to A7110.4/Parks.

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

RESOLUTION #95 of 2007 – MCWA Easements/Water Dist. #3

WHEREAS Water District #3 (the “District”), located in the Town of Pembroke, Genesee County, New York, intends to construct a water main (the “Project”) to bring the Monroe County Water Authority’s (the “Water Authority”) supply to the property owners of the District; and

WHEREAS the acquisition of two (2) easements by the Water Authority are necessary for the construction, installation, operation, and maintenance of the Project; and

WHEREAS the easements necessary for the Project are both located on the south side of Main Road (NYS Route 5) on either side of Boyce Road, Tax Map NOs. 20.-1-5 (0 Boyce Road) and 20.-1-9 (1606 Main Road) and both are 15 foot wide and 25 foot long; and

Regular Town Board

-7-

09-12-07

WHEREAS the acquisitions are necessary to allow to completion of the construction, installation operation, and maintenance of the Project which will provide potable water supply and fire protection to the District’s property owners; and

WHEREAS Section 1096(6-a) of the New York Public Authorities Law requires the Water Authority to obtain the prior approval of the above-referenced acquisitions by resolution of the Town Board of the Town of Pembroke; **NOW, THEREFORE BE IT**

RESOLVED that the Town Board of the Town of Pembroke, New York, hereby approves of the above-described acquisition in accordance with Section 1096(6-a) of the New York Public Authorities Law.

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

RESOLUTION #96 of 2007 – BOND RESOLUTION DATED SEPTEMBER 12, 2007.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,043,100 SERIAL BONDS OF THE TOWN OF PEMBROKE, GENESEE COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF WATER DISTRICT NO. 3 OF SAID TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, and more particularly an Order dated August 31, 2007, the Town Board of the Town of Pembroke, Genesee County, New York, has established Water District No. 3 of the Town of Pembroke; and

WHEREAS, the improvements for said Water District No. 3 shall consist of the installation of a water main along Main Road (NYS Route 5) between the existing

Regular Town Board

-8-

09-12-07

500,000-gallon water storage tank and Indian Falls Road, consisting of approximately 800 linear feet of 12-inch water main and 17,700 linear feet of 8-inch water main (with a possible upsize in water main by the Monroe County Water Authority to 16-inch pipe throughout the proposed District), and incidental improvements and expenses in connection therewith, as more fully described in the aforesaid Order establishing said Water District No. 3; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$2,043,100; and

WHEREAS, it is now desired to authorize the financing of said improvements; NOW, THEREFORE,

BE IT

RESOLVED, by the Town Board of the Town of Pembroke, Genesee County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of improvements in connection with the establishment of Water District No. 3, consisting of the installation of a water main along Main Road (NYS Route 5) between the existing 500,000-gallon water storage tank and Indian Falls Road of approximately 800 linear feet of 12-inch water main and 17,700 linear feet of 8-inch water main, including land or rights-in-land,

equipment, machinery and apparatus, as well as incidental costs and improvements, there are hereby authorized to be issued \$2,043,100 serial bonds of the Town of Pembroke, Genesee County, New York pursuant to the provisions of the Local Finance Law.

Regular Town Board

-9-

09-12-07

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid improvements is \$2,043,100, which improvements are authorized at said cost, and that the plan for the financing thereof shall consist of the issuance of \$2,043,100 serial bonds of said Town authorized to be issued pursuant to this bond resolution; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection with this project (there being \$850,600 of grants anticipated to be received).

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Pembroke, Genesee County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon and collected from the several lots and parcels

of land within said Water District No. 3 in the manner provided by law, an amount sufficient to pay the principal

Regular Town Board

-10-

09-12-07

and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, including, but not limited to, the power to sell said serial bonds to the USDA Rural Development, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment,

Regular Town Board

-11-

09-12-07

and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Regular Town Board

-13-

09-12-07

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

RESOLUTION #97 of 2007 – Transfers

RESOLVED, that the Supervisor be authorized to make the following transfers:

FROM: A1220.4	Supervisor	\$ 110.55
TO: A1320.4	Auditor	\$ 110.55
FROM: A1440.4	Engineer	\$1,500.00
TO: A1440.41	Grant Writer	\$1,500.00
FROM: A1680.1	Personal Svcs.	\$1,238.88
TO: A1680.4	Data Processing Contractual	\$1,238.88
FROM: JY 7310.1	Personal Svcs.	\$ 700.00
TO: JY 7310.4	Contractual	\$ 700.00

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

RESOLUTION #98 of 2007 – Abstract #9 of 2007

RESOLVED, that the Supervisor be authorized to pay all claims of Abstract #9 of 2007 General and Highway:

GENERAL A	V 345-348	Prior Pay	\$ 3,880.48
	V 349-381	387-389	\$ 94,222.23
PART TOWN	V 382-385		\$ 283.03
JY	V 386		\$ 700.00
Regular Town Board		-13-	09-12-07
DA	V 142		\$ 61,403.57
DB	V 162		\$ 51,837.02
		TOTAL ABSTRACT	<u>\$212,326.33</u>

On **MOTION** of Councilman Arnold, seconded by Councilman Sformo, to adjourn the meeting at 7:49 P.M.
ALL AYES – CARRIED.

Respectfully submitted,

Andrea M. Davis, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE TOWN BOARD MEETING OF
SEPTEMBER 12, 2007 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN
BOARD.