

TOWN OF PENDLETON
May 1, 2014

The Town Board of the Town of Pendleton, 6570 Campbell Blvd. scheduled a Public Hearing for 7:30 P.M. on the 1st day Of May, 2014. The Public Hearing was scheduled to present an amendment to the Town's Ordinance §213 Solid Waste. The proposed changes were introduced to help protect the Town and its resident's quality of life. The Department of Environmental Conservation (DEC) has issued permits to apply a product called Equate to several farm properties in Niagara County; two of them are located in Pendleton. Equate is a sludge by product that is produced through anaerobic digestion.

Supervisor Riester opened the Public Hearing at 7:34 P.M.

Town Board Members	Supervisor Riester
	Councilman Leible
	Councilman Morrison
	Councilman Fischer
	Councilwoman Jarvis

Also present were:

Terry Pienta	Town Clerk
Claude Joerg	Attorney
Nathan Carr	Quasar Representative
Channel 7 News	
Buffalo Newspaper	

There were approximately 130 residents in attendance, Jim Ward from Senator George Maziarz Office, Assemblyman Ray Walter, and Supervisor Earl Gingerich from the Town of Marilla.

Jim Ward, a representative from the office of Senator Maziarz read a statement which said that the Senator. The Senator supports the residents in their concern for the spreading of Equate on framer's fields. He also had asked the DEC to revoke any permits that were issued anywhere in Niagara County or anywhere in Western NY.

Assemblyman Ray Walter spoke and told everyone that he agrees with everything that Senator Maziarz has written and will continue to support the residents and their concerns for the Health and Safety of the public.

Clerk Pienta read a letter from Legislator Anthony Nemi who said he shares the concerns of the residents and said he is opposed to Equate being spread on farmlands.

Earl Gingerich, Supervisor from the Town of Marilla said that he is a full time farmer and has been active in the Erie County Farm Board. He has used the Ag and Market Laws that help protect farmers and has won all of his cases. In the case of Equate he said is completely against it. There are too many things in this product that is not known. He

agrees that the approach the Town is pursuing is the right way to go as total ban would not hold up in court.

Claude Joerg gave a brief explanation of where the Town is at for revising the Town's code. The revisions that were proposed are to not ban the product but to restrict the application of it. He explained that banning the product completely a farmer would feel his right to farm was being compromised; Ag and Markets can pass an administrative order and spread Equate anyway. The Town would have to go to Albany to fight it. He noted that the Town of Palermo worked on some legislation that was acceptable to Ag and Markets. He reported that he would like to expand on that for the Town's ordinance. It includes testing, reporting, and setbacks. He said there is still time to strengthen the ordinance since the product cannot be applied until the water table is below 24 inches.

Supervisor Riester reported that he did speak with the farmer that has a permit issued by the DEC. The farmer told him that he won't have it applied this year. Supervisor Riester reported that phone calls made to Senator Schumer and the Niagara County Health Department has not been returned.

Supervisor Riester opened the floor for public comment. Some of the concerns that the residents had are as follows:

- Odors
- Run off from the adjacent farm
- Lower property values
- Deer and birds eating from the properties that had the product spread
- Items that are not being tested, wisteria, e-coli, metallic
- Long term damage to the soils
- Higher water table in the area
- Western NY has been a dumping ground

It was determined that the Town Attorney would continue to modify §213 Solid Waste along with Engineer Britton. Because the amendment will affect more than 10 acres of land the Town is required to complete a full environmental assessment form. The SEQR process will take about 60 days to complete.

Motion by Councilman Leible, seconded by Councilman Morrison to close the Public Hearing. Motion carried.

Terry J. Pienta, Town Clerk