

**TOWN OF PENDLETON**  
April 13, 2015

A regular meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd. Pendleton, N.Y. on the 13<sup>th</sup> day April 2015 at 7:00 P.M.

**REGULAR MEETING**

Supervisor Riester called the meeting to order at 7:03 P.M.

Supervisor Riester read the invocation and the salute to the flag.

ROLL CALL:	Supervisor Riester	present
	Councilman Leible	present
	Councilman Morrison	present
	Councilman Fischer	absent
	Councilwoman Jarvis	present

Also present were:

Terry Pienta	Town Clerk
Kelli Coughlin	Assessor
Claude Joerg	Town Attorney
Dave Gerber	Building Dept.
Jim Argo	Water-Sewer Superintendent
Don Bergman	Budget Officer

There were approximately 14 residents and 30 Starpoint students in attendance.

**COMMUNICATIONS**

**ROUTINE BUSINESS**

RESOLUTION 60 - 15

**APPROVAL OF MINUTES**

Motion by Councilman Morrison, seconded by Councilman Leible, the following resolution was

ADOPTED      Ayes 4      Riester, Leible, Morrison, Jarvis  
                     Nays 0

Resolved that the minutes for the Regular Meetings held on March 9 and the Work Session held February 23 and March 23 be approved as submitted by the Town Clerk.

**Supervisor Riester** reported the total expenditures that were authorized and paid in the month of March:

General Fund	\$	31,733.28
Highway	\$	86,622.85

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Water	\$	7,576.90
Sewer	\$	4,482.70
Refuse	\$	35,148.34
Trust & Agency	\$	8,249.86
Fire Protection District	\$	725.88
Farmer's Market	\$	140.30

## OTHER REPORTS

**Supervisor Riester** reported that the sales tax collected for the month of February 2015 was \$109,806.56, this is compared to \$106,555.96 for February 2014. This is an increase of \$3,250.60. He also reported that the annual report has been completed. All departments finished in the black for 2014. He also congratulated Kelli Coughlin, Assessor for passing her Notary exam.

**Councilman Leible** reported that the Building Department issued 12 permits; fees received were \$2,680.00. There were 7 violations issued in the month of March, 7 remain outstanding. A total of 14 violations remain outstanding for the year.

**Councilman Morrison** congratulated Pam Malecki as the new Farmer's Market Manager for 2015. He reported that they are trying to contract for a date for document shredding to be scheduled in July of August. Once a date is scheduled flyers will be sent out and posted in the Summer newsletter. The dates for registering for the Summer Recreation Program will be posted on the website.

**Councilwoman Jarvis** reported that the Wendelville Ladies Auxilliary had a successful Chowder and Flea Market Sale last month, she thanked everyone for their participation.

**Engineer Dave Britton** reported that the Zoning Maps have not been completed as previously stated. He also reported that the SEQR coordination letters for the Wind Energy Conversion Systems were mailed out on April 2<sup>nd</sup>, there is a 30 day time frame for response.

RESOLUTION 61 - 15

### **PUBLIC HEARING FOR WIND ENERGY CONVERSION SYSTEMS**

Motion by Councilman Morrison, seconded by Councilman Leible, the following resolution was

ADOPTED      Ayes 4      Riester, Leible, Morrison, Jarvis  
                     Nays 0

Resolved to schedule a Public Hearing for public input for the addition of Residential Wind Energy Conversion System Law to the Town Code for May 11<sup>th</sup>, 2015 at 6:50 P.M.

Engineer Britton had submitted four Public Improvement Permits (PIP) for Part V for the Bear Ridge Estates totaling \$37,620.00 for the inspection fees and \$35.00 application fee for each permit, an insurance certificate naming the Town and CRA as additional insured, and a contractor's license. A check has been submitted to the Town Clerk. The project Performance Bond has not been received.

RESOLUTION 62-10

**ACCEPT PIP FOR PART V (FINAL PHASE) FOR THE BEAR RIDGE ESTATES**

Motion by Councilman Leible, seconded by Councilman Morrison, the following resolution was

ADOPTED: Ayes 4 Riester, Leible, Morrison, Jarvis  
Nays 0

Resolved to accept the Public Improvement Permits for the Bear Ridge Estates Phase V as recommended by the Town Engineer and his certification that they conform to the Pendleton Town Code and contingent upon receipt of the Performance Bond.

**Attorney Claude Joerg** – nothing to report

**NEW BUSINESS**

RESOLUTION 63 – 15

**WENDELVILLE VOLUNTEER FIRE CO. MEMBERSHIP**

Motion by Councilman Leible, seconded by Councilwoman Jarvis, the following resolution was

ADOPTED: Ayes 4 Riester, Leible, Morrison, Jarvis  
Nays 0

Resolved to add Zach Moje of Bear Ridge Rd. a new member to the Wendelville Volunteer Company to the insurance effective immediately.

RESOLUTION 64 – 15

**SUPPORT FOR APPLICATION FOR FUNDING FOR CONSTRUCTION OF A PADDLE SPORT LAUNCH DOCK AT WEST CANAL MARINA**

Motion by Councilman Leible, seconded by Councilman Morrison, the following resolution was

ADOPTED Ayes 4 Riester, Leible, Morrison, Jarvis  
Nays 0

**WHEREAS**, application is being made by Niagara County Parks for Greenway funding of the construction of a paddle sport launch dock located at Pendleton West Canal Marina & Park in the center of the Tonawanda Creek /Erie Canal Waterway Trail.

**WHEREAS**, the construction of said paddle sport launch dock being located on the Tonawanda Creek / Erie Canal Waterway Trail, which trail is in the Greenway Community in Western New York, will provide much needed usage to those traveling the Tonawanda Creek/Erie Canal Waterway Trail, thereby contributing to the economic development and tourism to those communities located on the Tonawanda Creek / Erie Canal Waterway Trail, including the Town of Pendleton, and

**WHEREAS**, said paddle sport launch dock fits into the Master Plan adopted by the Town of Pendleton, NY and moreover fits into the Local Waterfront Revitalization Program, and

**WHEREAS**, West Canal Marina & Park since its opening has been the catalyst for the renewal of economic growth in the region by drawing hundreds of local and regional Scouts Troops, Area Youth Groups and the general public in utilizing this unique park site for nature hiking, picnicking, boating, or canoeing, and

**WHEREAS**, the Town of Pendleton is desirous of supporting said application for Greenway Funding for the construction of said paddle sport launch dock for the above reasons, and

**WHEREAS**, the construction of said paddle sport launch dock will be in the best interests of the residents of the Town of Pendleton and those traveling the Tonawanda Creek / Erie Canal Waterways Trail, **now, therefore, be it**

**RESOLVED**, that the Town of Pendleton does hereby approve of and support the application of the Niagara County Parks for Greenway Funding for the construction of a paddle sport launch dock at West Canal Marina & Park, Pendleton, New York.

RESOLUTION 65 – 15

**SUPPORT FOR PRIMA MULTI SPORTS AND EVENTS CENTER**

Motion by Councilman Morrison, seconded by Councilman Leible, the following resolution was

ADOPTED      Ayes 4      Riester, Leible, Morrison, Jarvis  
                         Nays 0

**WHEREAS**, RKO Enterprises Inc., 1489 Upper Gage Avenue, Hamilton, Ontario, L8W1E6 has expressed its desire to construct a new facility to be known as Prima Multi Sports and Events Center in the Town of Pendleton; and

**WHEREAS**, RKO Enterprises Inc. has indicated that it is its intention to use this facility to bring programs staff equipment and facilities for the residents of Niagara and Erie Counties and attract other residents of Western New York and across New York State; and

**WHEREAS**, RKO Enterprises Inc. has indicated that it is its intention to use this facility for sports teams [both amateur and professional], conventions, weddings banquets and other meetings; and

**WHEREAS**, the Town of Pendleton has been assured by RKO Enterprises Inc. that it is its intention to comply with the Town’s comprehensive development plan for the construction of new facilities within the Town and that such facility will comply with all applicable zoning and building code requirements; **now therefore, be it**

**RESOLVED**, that the Town of Pendleton welcomes RKO Enterprises Inc. to the Town and eagerly awaits the construction of the Prima Multi Sports and Events Center in the Town of Pendleton.

RESOLUTION 66 - 15

**APPOINT ENGINEERING SERVICES FOR THE TRAIL EXPANSION PROJECT GRANT**

Motion by Councilman Morrison, seconded by Councilman Leible, the following resolution was

ADOPTED      Ayes 4      Riester, Leible, Morrison, Jarvis  
                         Nays 0

**WHEREAS**, the Town of Pendleton was previously notified that it had been awarded a grant for the Pendleton Recreational Pathways Expansion Project and as part of the grant requirements, the Town was required to send out a request for proposals for engineering services; and

**WHEREAS**, the Town of Pendleton sent out the request for proposals and received back proposals from C&S Companies, Urban Engineers, Foit-Albert Associates, and Greenman-Pedersen; and

**WHEREAS**, pursuant to the grant requirements, the Town was required to evaluate the proposals without having the costs available, which proposed costs were set forth in a separately sealed envelope; and

**WHEREAS**, a committee selected by the Town Board completed their evaluations in accordance with the evaluation sheet established for NYS DOT TEP Grant-Funded design projects and determined that C&S Companies submitted the preferred proposal.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS;**

- The Town Board determines that C&S Companies submitted the preferred proposal for engineering services in connection with the Pendleton Recreational Pathways Expansion Project and that they are selected as the preferred engineering firm for the Pendleton Recreational Pathways Expansion Project.
- The Town Board does hereby authorize the Town Supervisor with the assistance of other Town Board members and the Attorney for the Town to negotiate a proposed contract with C&S Companies for engineering services in connection with the Pendleton Recreational Pathways Expansion Project with any proposed contract to come back before the Town Board for approval.
- This resolution shall take effect immediately.

RESOLUTION 67 - 15

**SCHEDULE PUBLIC HEARING FOR TRANSFER OF FUNDS FOR THE ORION READERS FROM THE CAPITAL FUND**

Motion by Councilman Leible,, seconded by Councilman Morrison the following resolution was

ADOPTED      Ayes 4      Riester, Leible, Morrison, Jarvis  
                         Nays 0

Resolved to schedule a Public Hearing for public input for the transfer of \$40,000.00 on May 11<sup>th</sup>, 2015 at 6:55 P.M.

RESOLUTION 68 - 15

**TRANSFER OF \$100,000.00 FROM THE UNAPROPRIATED FUND RESERVES TO SW8340.0430 METERS**

Motion by Councilman Leible, seconded by Councilman Morrison, the following resolution was

ADOPTED      Ayes 4      Riester, Leible, Morrison, Jarvis  
                         Nays 0

Resolved to transfer \$100,000.00 from Unappropriated Reserve Fund to SW8340.0430 Meter Fund toward the purchase of the 1560 Orion Readers.

The Board briefly discussed a recent accident involving the large marker at the entrance of the Arrowhead subdivision. The marker was completely knocked down and needs to be replaced. Since this was not the first time that this marker has been hit the Board has questioned whether to have it replaced it or not.

Supervisor Riester reported that residents along Aiken Rd. and Beach Ridge Rd. received information regarding the installation of a 20,000 horse power compressor that National Fuel would like to install along the gas pipe line. He would like to forward a request for the Planning Board to review and compose a noise ordinance for the Town of Pendleton. He also requested that the Attorney send a letter of intervention by April 17. Attorney Joerg suggested that the homeowners themselves send a letter of intervention too so they can be part of the proceedings.

RESOLUTION 69 - 15

**NOISE ORDINANCE**

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Motion by Councilman Leible, seconded by Councilwoman Jarvis, the following resolution was

ADOPTED      Ayes 4      Riester, Leible, Morrison, Jarvis  
                     Nays 0

Resolved to forward a request to the Planning Board to compose a Town Ordinance for noise for the Boards review.

RESOLUTION 70 – 15

**PROCLAMATION OF NATIONAL SAFE BOATING WEEK**

Motion by Councilman Morrison, seconded by Councilman Leible, the following resolution was

ADOPTED      Ayes 4      Riester, Leible, Morrison, Jarvis  
                     Nays 0

**Whereas**, on average, 700 people die each year in boating-related accidents in the U.S.; approximately 70% of these are fatalities caused by drowning; and

**Whereas**, the vast majority of these accidents are caused by human error or poor judgement and not by the boat, equipment, or environmental factors; and

**Whereas**, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

**Whereas**, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public.

**Therefore**, the Town Board of the Town of Pendleton, do hereby support the goals of the North American Safe Boating Campaign and proclaim May16-22, 2015, as National Safe Boating Week and the year-round effort to promote safe boating and urge all those who boat to "WEAR IT" and practice safe boating habits.

**PUBLIC REMARKS/COMMENTS**

No one wished to be heard.

**BOARD MEMBERS DISCUSSION**

A Work Session was scheduled for April 27<sup>th</sup> at 7:00 P.M.

Motion by Councilman Leible, seconded by Councilman Morrison to adjourn at 8:19 P.M.  
Motion carried.

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Terry J. Pienta, Town Clerk