

TOWN OF PENDLETON
April 14, 2014

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 14th day April 2014 at 8:00 P.M.

Supervisor Riester called the meeting to order at 8:03 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 present
 Councilwoman Jarvis present

Also present were:

Terry Pienta	Town Clerk
Claude Joerg	Attorney
Dave Britton	Town Engineer
Jim Argo	Water/Sewer Superintendent
Dave Gerber	Building Inspector
Jeff Stowell	Highway Superintendent

There were approximately 45 residents in attendance.

AMENDMENTS-ADDITIONS TO THE AGENDA

Supervisor Riester added Truck Mechanic position, Heritage Landing Sewer and Stormwater Districts, soccer nets, and 95 gallon recycling totes

COMMUNICATIONS

ROUTINE BUSINESS

RESOLUTION 60 - 14

APPROVAL OF MINUTES

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

ADOPTED Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
 Nays 0

Resolved that the minutes of the Regular Meetings held February 10th and March 10th and Work Sessions held February 24th and March 24th 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	\$	44,147.53
Highway Fund	\$	41,174.85
Water	\$	4,648.57
Sewer	\$	8,929.24
Refuse	\$	34,242.78
Fire Protection District	\$	138,139.23
Farmer's Market	\$	500.00
Trust & Agency	\$	914.45

OTHER REPORTS

Supervisor Riester reported that the sales tax collected for the month of February was \$106,555.96. This is compared to \$109,838.62 for February 2013. This is a decrease of \$3,282.66 from February 2013. The year to date received is \$230,665.88 which is an increase of \$5,094.39 from 2013. He also reported that he has received numerous calls about Equate, a product that is used as an alternative to traditional fertilizers. He would like to have an open discussion following the reports of the Board.

Councilman Leible reported that the Building Department issued 5 violations in the month of March. A total of 4 outstanding for the month. A total of 12 remain outstanding for the year. They also issued 8 building permits. The revenue received for the permits was \$1,010.00. He also reported the Highway Department plowed and salted roads as needed, filled pot holes, removed garbage from several ditches that were restricting the flow of water, flushed out a plugged culvert on Main Rd., hauled stone, and repaired a DI at Sheetram and Dunnigan Roads. He also asked William Rott for an update on the newly established Veterans group. Mr. Rott reported that they have met a couple of times and will be officially named the Pendleton Veterans Association. They continue to organize and will be filing as a non-profit organization. The group hopes to raise enough money to erect a memorial to honor all the Veterans from Pendleton.

Councilman Morrison reported that the Water and Sewer Department had 11 daytime sewer calls and 2 overtime calls, cleaned a couple of pump stations, helped with the plowing of the roads, waterline repair, and started the water meter reads. The full report will be on file in the Town Clerk's Office. Registration for the summer recreation program will be Saturday May 10th and May 24th from 9:00 am to 12:00 pm. He also reported that the Conservation Board and Trail Committee met for the first time. The Four Wheel Drive Club, Snow Mobile Club, the Sheriffs, Equestrians, and citizens that use the trails for walking were in attendance. They discussed various rules and regulations and will have signs posted. There will be a speed limit of 15 MPH on the trails. On April 24th there will be another meeting with the Conservation Board and the Trail Committee to discuss the trail system. He would like to extend the invitation to the Tonawanda Sportsman's Club. He also reported that the first pick up for the Town's electronic waste was collected about a month ago and reported that the E-waste trailer is now 2/3 full. He also announced that once the Farmer's Market starts they will have a 4 x 4 x 4 tall box for any electronics during the market. He also reported that the Farmer's Market held an Easter contest hoping to draw attention to the website. The first contest went over well and they hope to continue it

on a monthly basis. The next Farmer's Market Meeting will be April 16th. He also announced that the Town has a new Recreation Director, Charles Langlois. He has been a member of the Recreation Committee for several years. He will still work with the Council person in charge of the Recreation who will report to the Town Board. He also asked the Board to authorize the Supervisor to sign the contract with Pyrotecnico for \$9,200.00 for the July 4th celebration. They are the only company to submit a bid.

RESOLUTION 61 -14

AUTHORIZATION TO SIGN PYROTECNICO CONTRACT

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to authorize the Supervisor to sign the agreement with Pyrotecnico for the 2014 July 4th celebration for \$9,200.00.

Councilman Morrison reported that he has had numerous calls and conversations asking what is the Town's definition of a farm. He would like to forward a request to the Planning Board to review and update the Town Code's definition of a farm.

RESOLUTION 62 -14

FORWARD A REQUEST FOR THE PLANNING BOARD TO REVIEW AND UPDATE TOWN CODE REGARDINGS THE DEFINITION OF A FARM

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to forward a request to the Planning Board to review and update the Pendleton Town Code to clearly define what the Town considers a farm.

Councilman Fischer reported that he drove around with Highway Superintendent Stowell to observe the drainage in the ditches throughout the Town. He said overall the Town wasn't in too bad of shape. The Town is flat and the problems with the drainage are constant. They did discuss some of the issues and areas that need some work going forward. He also reported that he had an opportunity to attend a training session through a group from Colorado. He feels that the training he is receiving will help with the planning and decision making for the Town's trails so that all the groups that use the town's trails can appreciate and respect the trails for the use by all of the groups. He also discussed the issue of the spreading of Equate on farmlands within the Town of Pendleton. He would like to see a moratorium in place to prevent the application of this product. A moratorium would give the Town and the Planning Board time to put in the necessary safeguards to the Town's current Code o§213 Solid Waste. Joe McCaffrey, Chairman of the Planning Board said that the Planning Board met with Quasar several months ago. He would like the Town Board to issue a Moratorium to give the Planning Board the time to amend the Town Code. Several people voiced their concern over the safety of this product and would like the Town Board to do what they can do stop this product from being spread on any of the farmlands in Pendleton. Many suggestions were put before the Board such as:

- Create an action committee
- Speak with the local representatives: Senator Maziarz, Niagara County Legislator Nemi, and Representative Ray Walter
- Press release-contact the radio and TV stations
- Notify the County and the State Health Departments
- Starpoint School Superintendent Doug Whalen
- Contact the farmer that has a permit for the application of equate to his farmlands
- Request the DEC rescind the existing permits
- Make the Town's Local Law to make the "monitoring" of the product difficult and expensive
- An injunction against Quasar

Councilwoman Jarvis reported that she will be attending the Trail Meeting on the 24th and the Tonawanda Sportsman's Club has also been invited. The trail extension will be running along the Sportsman Club and there are obvious concerns about safety for the people using the trails.

Engineer Britton reported that the Heritage Landing subdivision has Health Department Approval. He would like the Town Board to schedule two Public Hearings for the creation of a sanitary sewer district and a storm water district.

RESOLUTION 63-14

SCHEDULE PUBLIC HEARING FOR CREATION OF SANITARY SEWER DISTRICT

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to schedule a Public Hearing for the creation of a Sewer District for the Heritage Landing Subdivision for May 12, 2014 at 7:55 P.M.

RESOLUTION 64-14

SCHEDULE PUBLIC HEARING FOR CREATION OF A STORM WATER DISTRICT

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to schedule a Public Hearing for the creation of a Storm Water District for the Heritage Landing Subdivision for May 12, 2014 at 7:50 P.M.

NEW BUSINESS

RESOLUTION 65-14

WENDELVILLE VOLUNTEER FIRE CO. MEMBERSHIP

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to add Michael Johnson of Mapleton Rd. to the Town's insurance effective immediately.

RESOLUTION 66 -14

PUBLIC HEARING TO AMEND TOWN CODE §119 DOGS

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to schedule a Public Hearing on May 12th at 7:45 P.M. for a proposed amendment to the Town's Code §119 Dogs to eliminate \$50.00 fee for the first impoundment.

RESOLUTION 67 -14

AUTHORIZE THE SUPERVISOR TO SIGN THE AGREEMENT WITH KAX

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to authorize the Supervisor to sign the agreement with KAX to publish the Town's quarterly newsletter and the Town to pay the postage for mailing.

RESOLUTION 68 -14

AUTHORIZE TO PURCHASE SOCCER NETS

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to authorize the purchase of four soccer nets for a total of \$639.92 .

Supervisor Riester reported that he has received several requests from residents for the Town to provide a larger tote for recycling. He would like authorization to purchase the minimum order for the 95 gallon recycling totes.

RESOLUTION 69 -14

AUTHORIZE TO PURCHASE 95 GALLON RECYCLING TOTES

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to authorize the purchase of the larger 95 gallon totes for recycling not to exceed the price of \$60.00 per tote.

RESOLUTION 70 -14

AUTHORIZATION TO SIGN AGREEMENT WITH THE UNION FOR THE HIRING OF A TRUCK MECHANIC

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis

Nays 0

Resolved to authorize the Supervisor to sign the agreement with the Teamsters Union regarding the rate of pay for a truck mechanic with the understanding that this is not setting a precedent.

RESOLUTION 71-04

SCHEDULE PUBLIC HEARING TO MODIFY THE TOWN CODE §213 SOLID WASTE

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

ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to schedule a Public Hearing to modify the Town Code §213 Solid Waste for 7:30 P.M. May 1, 2014.

PUBLIC REMARKS/COMMENTS

A resident told the Board that she did speak with someone from Building and Grounds at Starpoint School and he did not know about the permit that had been issued for Equate to be spread on the property adjoining the playground at Starpoint School.

BOARD MEMBERS DISCUSSION

Motion by Councilman Morrison, seconded by Councilman Leible to schedule a Work Session for May 1st at 7:30 P.M.

Motion by Councilman Morrison, seconded by Councilman Leible to adjourn to Executive Session for Personnel issue at 10:02 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Morrison to adjourn from Executive Session and the Regular Meeting at 10:28 P.M. Motion Carried.

Terry J. Pienta, Town Clerk