

TOWN OF PENDLETON
August 10, 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 10th day August, 2015 at 7:00 P.M.

Supervisor Riester called the meeting to order at 7:02 P.M.

Supervisor Riester read the invocation and led 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
Jeff Stowell	Highway Superintendent
Jim Argo	Water-Sewer Superintendent
Don Bergman	Budget Officer
Kelli Coughlin	Assessor
Dave Gerber	Building Department

There were approximately 28 residents in attendance.

ROUTINE BUSINESS

RESOLUTION 112- 15

APPROVAL OF MINUTES

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

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

Resolved that the minutes for the Regular Meetings held on July 13th be approved as submitted by the Town Clerk.

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

General Fund	\$	76,445.28
Highway	\$	117,686.70
Water	\$	43,838.58
Sewer	\$	6,315.76
Refuse	\$	35,148.34
Trust & Agency	\$	13,890.81

to do another final walkthrough in the morning but did not want to hold up the resolution. He will confirm with Clerk Pienta in the morning to proceed with the resolution.

RESOLUTION 113- 15

DEDICATION OF ROAD THE MEADOWS PHASE II PART B

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

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

Resolved, that the roadway known as Devonshire Lane located in the Meadows subdivision, has been extended and is proposed for dedication pursuant to the recommendation of the Town Engineer, Highway Superintendent, Water-Sewer Superintendent and Planning Board as a public road for public use, and is hereby accepted into the Town of Pendleton's Highway System.

He also reported to the Board that Conrady Consultant Services inspect water tanks. Their fees are reasonable, (\$3,000.00). They can inspect the inside of the tank, the outside of the tank, the foundation and the integrity of the paint. They would also prepare a report when they have completed the inspection. The last time the tank was inspected was in 2006. The Town Board will discuss at a future work session.

Town Attorney Joerg reported that he has reviewed the documents for the road dedication and all the papers are in order. He also spent time reviewing the Attorney's RFPs the Town received.

NEW BUSINESS

Supervisor Riester and Councilman Morrison met with two members of the Pendleton Action Group to review and discuss the four submitted RFP's for an attorney. The Request for Proposal (RFP) was published in the Buffalo News and the Lockport Union Sun and Journal on July 2nd. The Attorney selected will assist the Town in regards to the National Fuel natural gas compressor station that has been proposed to be built in the Town of Pendleton. Supervisor Riester, Councilman Morrison, and Councilman Fischer met with Town Attorney Claude Joerg to further discuss the individual RFP's.

RESOLUTION 114- 15

REQUEST FOR PROPOSAL FOR ATTORNEY

Motion by Supervisor Riester, seconded by Councilman Leible, the following resolution was

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

Resolved to accept the proposal from Gary A. Abraham, Allegany, New York, for services to the Town regarding the National Fuel natural gas compressor station.

RESOLUTION 115- 15

AUTHORIZATION TO SIGN AGREEMENT WITH THE FRIZLEN GROUP

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 The Frizlen Group to redesign the current plans for a Citizen Center that would include room for the Historical Society's artifact collection.

Cricket recently offered the Town \$20,000.00 as a buyout to allow their cell towers to remain on the Town's water tower they have paid rent to use and the company is no longer using the equipment. The Board decided not to accept their offer and want to have them remove it from the water tower.

RESOLUTION 116- 15

CRICKET CELL TOWER REMOVAL

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

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

Resolved to have Cricket remove their own cell tower equipment from the Town's water tower.

Assessor Coughlin asked for authorization to attend the Annual Assessor's Conference in October. She also requested to purchase a software program, Apex that will allow her to create the house plans for new builds by using the dimensions rather than manually drawing the plans.

RESOLUTION 117- 15

ASSESSOR'S ANNUAL CONFERENCE

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

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

Resolved to authorize Assessor Coughlin to attend the Annual Assessor's Conference in Ellenville NY in the month of October.

RESOLUTION 118- 15

ASSESSOR SOFTWARE

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 Assessor to purchase the software from Apex sketch V6 Pro.

The Pendleton Action Group has requested copies to be made by the Town for the various flyers the group has been printing and The Board agreed to make the copies providing that the information is reviewed and approved by the Town Attorney.

RESOLUTION 119- 15

AUTHORIZATION TO MAKE COPIES

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

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

Resolved to allow for copies to be made at the Town Hall for the Pendleton Action Group with information about the National Fuel compressor stations to be approved by the Town Attorney first.

RESOLUTION 120- 15

TONAWANDA CREEK ROAD CLOSURE

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

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

Resolved to authorize the Highway Superintendent to close the portion of Tonawanda Creek Rd. that runs in from of St. Paul's Church for their annual chowder-Flea Market Sale on September 19th.

PUBLIC REMARKS/COMMENTS

Wolfgang Buechler, Chairman of the Board of Appeals asked the Board to reconsider the Code change passed in regarding the fence requirement for pools. There is no reference for specific allowances for spa covers or above ground pools. It was his understanding that the goal was to align the Town's code with the state code but those exceptions are not included in our code. The Board will refer the review to the Planning Board.

He also reported that he personally visited 15 of the 20 homeowners within the Arrowhead subdivision. Of the 15 residents visited, 14 would like to see the arrowhead monument at the entrance replaced.

RESOLUTION 121- 15

DIRECT PLANNING BOARD TO REVIEW POOL ORDINANCE

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

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

Resolved to refer the previous Code change, §222-1Swimming Pools to the Planning Board for further review.

Kim Lemiex, member of the Pendleton Action Group, thanked the Board for their continued support regarding National Fuel's proposed compressor stations.

Regular Meeting
August 10, 2015

BOARD MEMBERS DISCUSSION

Motion by Councilman Leible, seconded by Councilman Fischer, to schedule a Work Session for Monday, August 31st at 7:00 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Morrison, to adjourn at 8:02 P.M. Motion carried.

Terry J. Pienta, Town Clerk