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 $13^{\rm th}$ 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

Farmer's Market

\$ 1,616.18

OTHER REPORTS

Supervisor Riester reported that the sales tax collected for the month of June 2015 was \$159,749.50. This is compared to \$171,873.51 for June 2014. This is a decrease of \$12,124.04. The year to date received is \$802,894.50. This is an increase of \$6,312.76 from 2014. He also reported that he and Carol Moeller, from the Historical Society met with an Architect from the Frizlen Group, Inc. to discuss a few changes to the original plans for a Citizen Center. He also received an email from a resident offering a small land locked portion of property for the Town to use for a dog park. He also mentioned that he received a phone call from a resident complimenting Jack Striegel, Code Enforcement Officer from the Building Department, about how well he handled a situation with two neighbors and their disagreement

Councilman Leible reported the Building Department issued 12 violations in the month of July, 9 remain outstanding. A total of 26 remain outstanding for the year. A total of 37 building permits were issued, the fees collected were \$4,025.00. He also reported that the Highway Department chipped brush for 4 days, finished mowing roadside ditches, repaired a DI (drain inlet) in Creekview, cleaned the roadside ditch near 5508 Oakwood, marked and painted PABA field two times, mowed parks, cemeteries, and athletic fields, mowed the off road ditch off of Campbell and installed two pipes for tractors to cross and called for estimates for a scaled down version of the monument for the Arrowhead subdivision. He also reported several items for shared service with Lewiston, Niagara, Porter, Wheatfield and the County. He also asked that everyone submit their newsletter articles in by August 25th.

Councilman Morrison had nothing to report.

Councilman Fischer reported that the Sewer Department had 6 regular time calls, 2 sewer break repairs, 1 total update and 3 partial updates were completed, 2 sewer curb box repairs, 3 open trench inspections, 8 sold home compliance inspections and 63 underground utilities stakeouts complete. He also reported that 225 water readers have been replaced to date, 12 final reads, 2 new water service taps, 1 fire hydrant repair and 1 hydrant replacement, 3 water valve leaks repaired at 5 corners, 4 recycling totes delivered, and electronic recycling items stacked and wrapped as needed. He also reported about the dedication that took place in the Town Park honoring a Civil War Veteran. A family reunion is held every year in the Pendleton Town Park by the descendants of this Veteran. A plaque was placed on the Town's Memorial Gun located beside the Town Hall.

Councilwoman Jarvis reported that the "one day" Wendelville Field Days was well attended and thank everyone on behalf of the fire department for their support and participation.

Engineer Britton requested that the Board consider accepting the road dedication for the Meadows-Phase II Part B. All the documents are in order, the bonds are in place, the recreation fees have been paid and the utilities are in. Superintendent Stowell would like

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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 $2^{\rm nd}$. 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

Navs 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

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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 Navs 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 Navs 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.

BOARD MEMBERS DISCUSSION

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

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

Terry J. Pienta, Town Clerk