

**TOWN OF PENDLETON  
REGULAR MEETING  
June 12, 2017**

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 12<sup>th</sup> day of June 2017 at 7:00 P.M. A Public Informational Meeting was scheduled to receive public input for enhancements to the existing trails. Three Public Hearings were also scheduled.

**PUBLIC INFORMATIONAL MEETING**

Supervisor Maerten opened the Public Informational Meeting at 6:45 P.M.

The meeting was scheduled for 6:40 P.M. Supervisor Maerten read the notice that was published in the Lockport Union Sun and Journal on June 5<sup>th</sup> 2017. Nathan Taylor, from Rotella Grant Writing explained that the Town would like to apply for a grant through NY State Parks to further enhance the existing Town trails. The Town Board would like to include items that the residents who use the trails would like to see and have their voices heard. Several suggestions included:

- Maintenance on the trail, crack seal – regrade the dirt portion of the trail
- Upgrade trail heads
- Lighting and landscaping at entrances
- Upgrade trail head parking – stone – smaller stone if possible for horses
- Benches
- Mile markers
- Location markers
- Trees for shading and rest areas
- Historical markers along the way

Councilman Ostrowski said that he would like to begin the beautification at the trail heads located in the center of Town by the Town Park and work outward as money becomes available in the future.

Supervisor Maerten closed the informational meeting at 7:02 P.M.

**PUBLIC HEARING #1**

Supervisor Maerten opened the Public Hearing at 7:06 P.M.

A Public Hearing was scheduled for 6:45 P.M. Supervisor Maerten read the notice of Public Hearing that was published in the Lockport Union Sun and Journal on June 5<sup>th</sup> 2017. The purpose of the hearing was for the transfer of \$225,000.00 from Reserve for the Road Account (DA0000.0878.01) to Contractual Pendale Account (DA5110.0400.0112) for the repaving of the Pendale subdivision.

A resident asked if there was any money left in the reserve fund. Supervisor believes that the fund held \$250,000.00 so there would be some money left in there.

No one else wished to be heard.

Supervisor Maerten closed the Public Hearing at 7:09 P.M.

**PUBLIC HEARING #2**

Supervisor Maerten opened the Public Hearing at 7:09 P.M.

A Public Hearing was scheduled for 6:50 P.M. Supervisor Maerten read the notice of Public Hearing that was published in the Lockport Union Sun and Journal on June 5<sup>th</sup> 2017. The purpose of the hearing was for the transfer of \$71,792.00 from the Miscellaneous Reserve Equipment Fund (DA.0889) to the Fixed Asset Account (DA 5130.02) for the purchase of a 2017 Morbark Beaver Chipper (State Bid pricing).

No one wished to be heard.

Supervisor Maerten closed the Public Hearing at 7:10 P.M.

### **PUBLIC HEARING #3**

Supervisor Maerten opened the Public Hearing at 7:10 P.M.

A Public Hearing was scheduled for 6:55 P.M. Supervisor Maerten read the notice of Public Hearing that was published in the Lockport Union Sun and Journal on June 5<sup>th</sup> 2017. The purpose of the hearing was to receive public input on a proposed rezoning of 12.6 acres of property located at 6110 Robinson Road approximately 1,000 ft. west of South Transit Road from R-1 Residential property to CO-2 Medium Commercial.

A resident asked if it was an extension of the Medium Commercial already in that area. There is Medium Commercial along Transit and east of the property on Robinson Road.

A resident asked what the purpose of the rezoning would be. Supervisor Maerten explained that the owner of that property had a potential purchaser for the property for a business which would not be allowed in residential zoning.

No one else wished to be heard,

Supervisor Maerten closed the Public Hearing at 7:15 P.M.

### **REGULAR MEETING**

Supervisor Maerten opened the Regular Meeting at 7:15 P.M.

Supervisor Maerten read the invocation and asked for a moment of silence for the passing of James Jarvis who was a previous member of the Board of Assessment Review and a longtime member of Wendelville Fire Company.

Supervisor Maerten led the salute to the flag.

ROLL CALL:	Supervisor Maerten	present
	Councilman Leible	present
	Councilman Ostrowski	present
	Councilman Fischer	present
	Councilwoman Jarvis	present

Also present were:

Terry Pienta	Town Clerk
Kelli Coughlin	Assessor
Claude Joerg	Town Attorney
Jim Argo	Water-Sewer Superintendent
Tim Masters	Building Inspector
Wolfgang Buechler	Board of Appeals
Dave Britton	GHD Engineers

There were approximately 16 residents in attendance.

### **COMMUNICATIONS**

Nothing to report.

### **COMMENTS ON AGENDA ITEMS**

No comments were made.

## ROUTINE BUSINESS

RESOLUTION 114 - 17

### APPROVAL OF MINUTES

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Ostrowski, Jarvis

Nays 0

Resolved that the minutes of the Work Session for April 24<sup>th</sup>, May 31<sup>st</sup> and the Regular Meeting on May 8<sup>th</sup> be approved as submitted by the Town Clerk.

Supervisor Maerten asked for a motion to adjourn for an Executive Session.

Motion by Councilman Leible, seconded by Councilwoman Jarvis, to adjourn to Executive Session to discuss a personal matter 7:22 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from Executive Session and resume the Regular Meeting at 7:30 P.M. Motion carried.

**Supervisor Maerten** reported the total expenditures that were authorized and paid in the month of May:

General Fund	\$	69,977.77
Highway	\$	23,441.98
Water	\$	7,481.98
Sewer	\$	5,318.52
Refuse	\$	34,468.75
Trust and Agency	\$	4,736.00

**Supervisor Maerten** reported that the sales tax collected for April 2017 was \$117,887.08 a decrease of \$3,636.18 from 2016. The year to date total is \$501,254.85, a decrease of \$1,120.13 from 2016. He also reported that he attended a meeting with Niagara County Department heads, Supervisors and Mayors to discuss Governor Cuomo's mandate for shared services. The Town currently works with other municipalities providing some shared services and equipment. They discussed various ideas and will continue with the discussions.

## OTHER REPORTS

**Councilman Leible** reported that the DEC and the Army Corp of Engineers have given their final approval for the Town to work the grounds across the road for the fireworks. They are allowing the Town to cut and roll the ground. The area to be worked will create a safer environment for the fireworks. Last year's attempt was during a drought which caused numerous fires, resulting in the fireworks ending earlier than usual. He also reported that lights have been installed in shelter #1 and #2 in the park. Shelter #1 is scheduled to be repaved. The Lions Club would like to dedicate shelter #1 and have it named after Robert Kramer. Currently the name of the shelter is called the Grange after an organization that no longer exists. Councilman Robert Kramer was instrumental in starting the recreation program and the Summer Rec program as a Councilman years ago.

RESOLUTION 115 - 17

### APPROVAL TO RENAME SHELTER #1 FOR ROBERT KRAMER

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Ostrowski, Jarvis

Nays 0

Resolved to authorize the dedication and renaming of Shelter #1 to Robert Kramer longtime resident, Councilman and was instrumental in starting the recreation programs for the Town of Pendleton.

**Councilman Fischer** reported that the Sewer Department had 12 regular time sewer calls, 4 overtime calls, repaired 1 grinder system break, updated 2 pressure sewer blow offs, 7 sold home compliance inspections, completed restoration from previous jobs, poured a section of concrete curb on Creekview Drive and 76 underground utility stakeout requests were completed. The Water Department had a water main break on Robinson Road, completed

quarterly stage 2 water samples for water board testing, 2 one inch water meters repaired, 1 repair of a meter that was froze last winter, installed 2 new home water meters, 12 open water & sewer trench inspections completed, and dug up and repaired 2 water curb boxes. He also reported that the Highway Department continues to clean up next to Tan Tara, started mowing roadside ditches, began brush hogging the fields for the fireworks, chipped brush for 6 days, repaired some plow damage, replaced rotten culvert on Mapleton Road, repaired equipment as needed, repaired or replaced signs as needed, placed stone by mail boxes that were low, striped 2 new lacrosse fields at Starpoint for PABA, patched potholes and low spots throughout the town, finished loading out fill from the soccer parking lot, pressure washed the playground equipment and maintained the parks, cemeteries, and grounds. Shared services reported for May included using Cambria's chipper for one month, hauled for Cambria with 3 men for 3 days, hauled for Wheatfield with 3 men for 3 days, and used Wheatfield's roller for 1 month. Councilman Fischer also reported that the new business at 5 corners had their outdoor flea market, food trucks and music. They had quite a large crowd attending. They have plans for 4 or 5 more outdoor flea markets, one at the end of each month.

**Councilwoman Jarvis** – nothing to report

**Councilman Ostrowski** reported that the security for the doors should be completed within the next month and he reported that the AED's are now in service. There is one located in the vestibule at the Town Hall and one inside the Historical Society's building. He also said that he attended a recent golf tournament that was a fund raiser for Mason's Mission. Speaking with the President of the organization they have a target date to begin the handicap playground by the end of July.

**Engineer Britton** reported that the Town has received the updated flood plain maps that will become effective in November. He is waiting for a call from the DEC that will provide the information for the Public Hearings that will be held and amendments to the Town's Code.

**Claude Joerg** – reported that he continues to spend time regarding the National Fuel issue. He also reported that a Seneca Resource Corporation, the company that actually takes the gas out of the ground in Pennsylvania, has filed a notice of claim against the Town because the Town has not given a building permit for the compressor, which they claim is causing them to lose money on the delays.

## DEPARTMENT HEADS

**Building Inspector Tim Masters** reported that May was his busiest month yet. There were 52 building permits issued and 16 Contractor's Licenses. Currently there are 126 active permits in Town (27 for new homes being built) and a total of 205 licensed contractors. He did 45 on-site inspections along with other meetings and appointments. There were 5 violations issued and 11 remain outstanding. He also reported that he completed Part 2 of Code Enforcement training. He will have another session of training at the end of June.

**Water-Sewer Superintendent Jim Argo** asked the Board to verify that he can hire one person for summer help, the money was put in the budget. He estimates that it will be for about 2 months. He also said that he recently spoke with Trey Loomis regarding an Eagle Scout project. He suggested painting many of the Fire Hydrants (safety yellow) in Town but not on the very busy roads. He seemed interested and will present the project to the Town Board after he receives approval by the main office for a go ahead.

**Assessor Kelli Coughlin** reported that on May 23<sup>rd</sup> was the Annual Grievance Day for the Board of Assessment Review. There were 4 Commercial businesses that filed and 2 residents. One resident was denied and one assessment was lowered. She believes the one that was denied will be filing with Small Claims Court using Article 7 along with the Commercial properties. She also thanked the guys from the Highway Department for moving her furniture out of the office so the painter could go ahead and paint the walls. She also reported that she will be attending training on Thursday and Friday, as well as a class for Ag exemptions next week Thursday.

**NEW BUSINESS**

RESOLUTION 116 - 17

**TRANSFER OF FUNDS FOR A 2017 MORBARK BEEVER M15R CHIPPER**

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

ADOPTED      Ayes 5      Maerten, Leible, Fischer, Ostrowski, Jarvis  
                         Nays 0

Resolved to transfer \$71,791.00 from the Miscellaneous Reserve Equipment Fund (DA.0889) to the Highway Fixed Asset Account (DA 5130.02) for the purchase of a 2017Morbark Beaver M15R Chipper.

RESOLUTION 117 - 17

**TRANSFER OF FUNDS FOR REPAVING PENDALE SUBDIVISION**

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

ADOPTED      Ayes 5      Maerten, Leible, Fischer, Ostrowski, Jarvis  
                         Nays 0

Resolved to transfer \$225,000.00 from the Reserve for Roads Account (DA 0000.0878.01) to the Contractual Pendale Account (DA5110.0400.0112) for the repaving of the Pendale subdivision.

The third Public Hearing for the rezoning of the property on Robinson Road and will be postponed as the Town is waiting to hear from the Niagara County Planning Board for their response.

On May 8<sup>th</sup> a Public Hearing was scheduled and presented regarding a change to the Towns Code for side yard setbacks for properties on corner lots. It was postponed for review because of a comment by a resident. Building Inspector Master reviewed it with the resident and the writing will remain as presented at the Public Hearing.

RESOLUTION 118 - 17

**AMENDMENT TO §247-26 CORNER LOTS**

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

ADOPTED      Ayes 5      Maerten, Leible, Fischer, Ostrowski, Jarvis  
                         Nays 0

Resolved to amend Town Code §247-26 Corner Lots to read as follows:

- A. On corner lots both street sides shall be treated as front yards and dwelling units shall be required to maintain minimum front yard setbacks from both street sides
- B. When a right-of-way for a future roadway connecting to back lands is reserved for developing lots on an existing road, the lots adjoining the right-of-way will be treated as corner lots and must be large enough to maintain front yard setbacks from the existing road and from the right-of-way.
- C. Any proposed street adjoining an existing building lot must have at least an additional 15 feet of width from the edge of the street right-of-way adjoining the side lot of that building lot.
- D. Setbacks for Accessory Structures or Detached Garages on a corner lot shall be required to meet the minimum front yard setbacks specified in each zoning district from just one street side. The adjoining street side setback shall be required to meet the specified minimum setbacks for the primary dwelling.

RESOLUTION 119 - 17

**AUTHORIZE THE SUPERVISOR TO SIGN THE STORMWATER MAINTENANCE AGREEMENT FOR 6396 CAMPBELL BLVD. (DOLLAR GENERAL)**

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

ADOPTED      Ayes 5      Maerten, Leible, Fischer, Ostrowski, Jarvis  
                         Nays 0

Resolved to authorize the Supervisor to sign the agreement with Creative Structures Services Inc. to provide long term maintenance and continuation of stormwater control measures for the project located on the premises of 6396 Campbell Blvd.

Engineer Britton explained that this agreement requires the property owner to file a certification by an engineer that the stormwater inspections have been done. He said the agreement should be attached to the property then filed with the property with the County so if the land were sold in the future the new owner would be responsible to have the inspections done.

RESOLUTION 120 - 17

**APPOINT CRAIG WALTER DEPUTY HIGHWAY SUPERINTENDENT**

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Ostrowski, Jarvis  
Nays 0

Resolved to appoint Craig Walter Deputy Highway Superintendent per Highway Superintendent Jeff Stowell.

RESOLUTION 121 - 17

**ACCEPT LIST OF HIRES AND PAY SCALE FOR THE RECREATION PROGRAM**

Motion by Councilman Leible, seconded by Councilman Fischer the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Ostrowski, Jarvis  
Nays 0

Resolved to accept the list of hires and the pay scale as reviewed during the Executive Session for the Summer Recreation program.

Supervisor Maerten reported that the many needs the Town is facing, which includes the creation of a Community Center, the poor condition of the Historical Society's building and an expansion for the Court, need to be assessed and prioritized. The Community Center Committee has done a great job so far but things need to move ahead. He has also reached out to Senator Ortt's office and Assemblyman Walters for funding for an architect to help with the Town's priorities. Former member of the Recreation Committee and former Town Board Councilman Ed Harman has previously put a lot of time and effort into the plans for a Community Center and has offered to help move everything forward. He will meet with the various groups individually and then create a needs assessment.

A Work Session was not scheduled for June.

Councilman Leible asked if the Town can use two of the Constables for the 4<sup>th</sup> of July to keep people from parking on Feigle Road.

RESOLUTION 122 - 17

**AUTHORIZE CONSTABLES TO WORK ON THE 4<sup>TH</sup> OF JULY**

Motion by Councilman Leible, seconded by Councilman Fischer the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Ostrowski, Jarvis  
Nays 0

Resolved to authorize the use of Constables to enforce the "no parking" ban on Feigle Road from the bike path to Campbell Blvd. at their current rate of pay for the 4<sup>th</sup> of July celebration.

Motion by Councilman Fischer, seconded by Councilman Ostrowski, to adjourn to Executive Session to discuss personnel with the Town Clerk and the Town Attorney to follow with litigation with the Town Attorney at 8:20 P.M. Motion carried.

Motion by Councilman Fischer, seconded by Councilman Leible, to adjourn from Executive Session and the Regular Meeting at 8:45 P.M. Motion carried.

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Terry J. Pienta, Town Clerk