

TOWN OF PENDLETON
June 8, 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 8th day June 2015 at 7:00 P.M. Four Public Hearings were scheduled for 6:40 P.M., 6:45 P.M., 6:50 P.M., and 6:55 P.M.

PUBLIC HEARINGS

#1 Public Hearing

Supervisor Riester opened the first Public Hearing at 6:40 P.M

Clerk Pienta read the Public Hearing notice that was published in the Lockport Union Sun & Journal on June 1, 2015. The purpose of the hearing was for public input or questions regarding the creation of Storm Sewer District #5 Beach Ridge Meadows Subdivision. The legal descriptive location of the district was published in the paper and located on the Town's website for review.

No one wished to be heard.

Motion by Councilman Fischer, seconded by Councilman Leible to close the Public Hearing at 6:41 P.M. Motion passed.

#2 Public Hearing

Supervisor Riester opened the second Public Hearing at 6:45 P.M

Clerk Pienta read the Public Hearing notice that was published in the Lockport Union Sun & Journal on June 1, 2015. The purpose of the hearing was for public input or questions regarding the extension of Sewer District #1 for the Beach Ridge Meadows Subdivision. The legal descriptive location of the extension was published in the paper and located on the Town's website for review.

No one wished to be heard.

Motion by Councilman Leible, seconded by Councilman Morrison to close the Public Hearing at 6:46 P.M. Motion passed.

#3 Public Hearing

Supervisor Riester opened the third Public Hearing at 6:51 P.M.

Clerk Pienta read the Public Hearing notice that was published in the Lockport Union Sun & Journal on June 1, 2015. The purpose of the hearing was for public input for the amendment to the Town Code §247-13. Clerk Pienta explained that during the original hearing in June of 2014 questions that the public had regarding the amendment to the Town Code §247-12 Light Commercial to allow multi-family dwellings were answered. The original Public Hearing notice omitted (in error) that §247-13 Medium Commercial was to be included in the amendment.

No one wished to be heard.

Motion by Councilman Leible, seconded by Councilman Fischer to close the Public Hearing at 6:51 P.M. Motion passed.

#4 Public Hearing

Supervisor Riester opened the fourth Public Hearing at 6:55 P.M.

Clerk Pienta read the Public Hearing that was published in the Lockport Union Sun & Journal on June 1, 2015. The purpose of the hearing was for public input regarding the transfer of funds for the purchase of a 4 Ton Falcon Asphalt Recycler. This will be a “shared” piece of equipment with the Town of Newfane. The Town’s share will be \$16,412.72.

No one wished to be heard.

Motion by Councilman Leible, seconded by Councilman Fischer. to close the Public Hearing at 6:56 P.M.

REGULAR MEETING

Supervisor Riester called the meeting to order at 8:00 P.M.

Supervisor Riester read the invocation.

Starpoint student RJ Littlefield 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
Kelli Coughlin	Assessor
Dave Gerber	Building Inspector
Don Bergman	Budget Officer
Jeff Stowell	Highway Superintendent
Jim Argo	Water-Sewer Superintendent
Don Bergman	Budget Officer

There were approximately 30 residents in attendance.

ROUTINE BUSINESS

RESOLUTION 92 - 15

APPROVAL OF MINUTES

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

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

Resolved that the minutes for the Regular Meetings held on May 11th and the Work Session held May 26th be approved as submitted by the Town Clerk.

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

General Fund	\$	31,106.87
Highway	\$	14,552.84
Water	\$	72,179.07
Sewer	\$	5,110.89
Refuse	\$	35,148.34
Trust & Agency	\$	173.11

OTHER REPORTS

Supervisor Riester reported that the sales tax collected for the month of April 2015 was \$134,662.46 this is compared to \$122,973.68 for April 2014. This is an increase of \$11,688.78. The year to date received is \$517,908.74 . This is an increase of \$13,153.60 from 2014. He also reported that he has been busy with phone calls and questions regarding the National Fuel compressors.

Councilman Leible reported that Town of Wales Councilwoman Jude Horowitz, and two residents from Wales will be meeting at the Wendelville Fire Hall on Wednesday at 7:00 P.M. He continued with the month of May's report from the Highway Dept. ; there were 18 violations issued in the month of May, 4 remain outstanding. A total of 18 violations remain outstanding for the year. The Building Department issued 42 building permits; fees received were \$2,470.00. He also reported that the Highway Department chipped brush for 10 days, brush hogged Ditch #1 by Tan Tara, repaired a bubbler on Kriston Lane, assisted Niagara County in cutting two very large trees on Dunnigan near Sheetram Rd., installed pipe for driveways, repaired equipment as needed, removed plow frames from tandems, swept the bike path, put together 6 benches for the dugouts, prepped diamonds, mowed parks, cemeteries, buildings and grounds, and striped the soccer fields as needed.

Councilman Morrison reported that the 4th of July Celebration is ready to go. The vendors are ready and the sky divers will be back again. He reported that the Summer Recreation enrollment has been completed. Enrollment has increased by 10%. He also reported that the e-waste pickup for the year has the Town ahead by \$300.00. He also reported that the Town has been able to increase the value of the buildings without an increase in the premium.

Councilman Fischer reported that the Sewer Department had 14 regular time calls and only 1 overtime call, 3 pressure sewer break repair, 5 completed grinder pump updates, 3 Meyer's partial pump updates, 2 sewer curb boxes and rods dug up and replaced, inspected 7 water/sewer open trench inspections, 2 new build sewer taps completed and rebuilt grinder pumps when needed. He also reported that the Water Department has replaced

115 water readers to date, did 4 final reads, 5 sold home compliance inspections, 3 new water service taps, repaired water leak under the concrete in the storage room in the Town Park, 77 underground utility stakeout requests were completed, electronic recycled items staked and wrapped. He also spoke about the Memorial Ceremony held on May 25th to honor our Veterans. He was very pleased with the ceremony and reported that it has grown to about 100 people attending. He also reported that one of the Veterans has recycled a box he had purchased at a garage sale specifically for flags to be retired. He asked if it could be located in or around the Town Hall for residents to have a place for their old and worn out American flags.

Councilwoman Jarvis reported that she will be meeting with the members of the Historical Society to get an idea of how much space they will need for their use so that she can have the architect revise the original design of the Community Center to include their needs into the one building. She also reported that Wendelville Fire Company will be having their annual Lobster Fest at the end of the month.

Engineer Dave Britton reported that he met with Water-Sewer Superintendent Argo and the Niagara County Water. They presented their next waterline project that will begin where they left off last year, Lockport and Campbell. They are extending the line from there going towards Transit Road and will cross under road and continue further. One of the decisions the Town will have to make about the combined meter pit that is located at the Campbell area. Currently that water line is owned by the Town of Lockport. If the Town wants to take over the line in that area the Town would be inheriting an old waterline and all future repairs to those lines. The only advantage for the Town would be that the Town's system would be looped.

NEW BUSINESS

RESOLUTION 93 - 15

CREATION OF STORM SEWER DISTRICT #5 FOR BEACH RIDGE MEADOWS SUBDIVISION (PUBLIC HEARING #1)

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

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

WHEREAS, a map, plan and report dated April 14, 2015 prepared by Advanced Design Group, has been presented to the Town Board by the Engineer for the Town, David M. Britton, P.E. and filed in the office of the Clerk of the Town of Pendleton detailing the formation of a new storm sewer district in the Town of Pendleton, Niagara County, New York, to be known as Storm Sewer District No. 5 – Beach Ridge Meadows Subdivision, pursuant to Article 12 of the Town law; and

WHEREAS, it is proposed that such Town Storm Sewer District shall comprise of all storm sewer collection, treatment, and detention basins to service a residential subdivision, known as Beach Ridge Meadows comprised entirely within the Town of Pendleton, such being more particularly bounded and described as follows:

STORM SEWER DISTRICT No. 5 – BEACH RIDGE MEADOWS SUBDIVISION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Pendleton, County of Niagara, State of New York being part of Lots 96, Township 13, Range 7 of the Holland Land Survey (so called) bounded and described as follows:

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Beginning at the north east corner of lands conveyed to Daniel D'Angelo by deed filed in the Niagara County Clerk's Office in Instrument 2013-17414, said point being a point on the center line of Beach Ridge Road;

Thence along the centerline of Beach Ridge Road S 48°19'32" W a distance of 150.00 feet to a point;
Thence S 41°40'28" E a distance of 255.07 feet to a point;
Thence S 48°59'00" W a distance of 1064.60 feet to the westerly line of lands conveyed to Daniel D'Angelo by deed filed in the Niagara County Clerk's Office in Instrument 2013-17414;
Thence along the westerly line of D'Angelo, S 38°36'51" E a distance of 627.93 feet to the south west corner thereof;
Thence along the southerly line of D'Angelo, N 87°52'28" E a distance of 906.50 feet to the southeast corner thereof;
Thence along the easterly line of D'Angelo, N 2°01'30" W a distance of 1511.88 feet to a point being 283.0 feet southerly from the centerline of Beach Ridge Road as measured at right angles therefrom;
Thence parallel with the centerline of Beach Ridge Road and 283.00 feet southerly therefrom as measured at right angles, S 48°19'32" W a distance of 415.64 feet to a point;
Thence N 41°40'28" W a distance of 283.00 feet and the POINT OF BEGINNING.
The above described parcel contains ± 28.535 acres (1242979 sq. ft.)

WHEREAS, accepting, also and reserving to any and all utilities the right of access at all times for the update, maintenance, and service of their facilities;

WHEREAS, private funds will be used to install all storm sewer facilities and therefore, the facilities are being constructed at no cost to the Town of Pendleton;

WHEREAS, the Map, Plan and Report aforesaid are on file in the Town Clerk's Office for Public Inspection during regular business hours;

WHEREAS, the District proposed for said Storm Sewer District No. 5 – Beach Ridge Meadows Subdivision, consisting of a gravity storm collection system, storm water treatment, detention basins and other appurtenant facilities and more over described in the Map, Plan and Report are satisfactory, sufficient, adequate and appropriate; the property and property owners within the proposed district are benefited thereby; the property and property owners benefited are included within the limits of said proposed district; and that the proposed district and the facilities are in the public interest.

Now, therefore, be it ORDERED, by the Town Board of the Town of Pendleton, Niagara County, New York, as follows:

1. That the Town Board of the Town of Pendleton shall meet at the Town Hall, 6570 Campbell Blvd. on June 8, 2015 at 6:40 P.M., to conduct a public hearing to hear all persons interested in the proposed sewer district;
2. That the Town Clerk of the Town of Pendleton is hereby authorized and directed to publish a copy of the Order in the official newspaper, in the time and manner required by law. The Town Clerk shall also file a copy of this order with the New York State Comptroller's Office.

RESOLUTION 94 - 15

**EXTENSION OF SEWER DISTRICT #1 FOR BEACH RIDGE MEADOWS SUBDIVISION
(PUBLIC HEARING #2)**

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

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

WHEREAS, a map, plan and report dated April 14, 2015 prepared by Advanced Design Group, has been presented to the Town Board by the Engineer for the Town, David M. Britton, P.E. and filed in the office of the Clerk of the Town of Pendleton detailing the extension of sanitary sewer district No. 1 in the Town of Pendleton, Niagara County, New York, in connection with the acceptance of gravity sewer system associated with the Beach Ridge Meadows Subdivision, pursuant to Article 12 of the Town law; and

WHEREAS, it is proposed that such Town Sanitary Sewer District Extension shall comprise of all sanitary sewer gravity system, to service the residential subdivision, known as Beach Ridge Meadows comprised entirely within the Town of Pendleton, such being more particularly bounded and described as follows:

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ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Pendleton, County of Niagara, State of New York being part of Lots 96, Township 13, Range 7 of the Holland Land Survey (so called) bounded and described as follows:

Beginning at the intersection of the west line of lands conveyed to Daniel D'Angelo by deed filed in the Niagara County Clerk's Office in Instrument 2013-17414 with the south line of the Sewer District No. 1, said intersection being 300 feet southerly from the centerline of Beach Ridge road as measure at right angles therefrom;

Thence along the westerly line of D'Angelo S 38°36'51" E a distance of 560.44 feet to the south west corner thereof;

Thence along the southerly line of D'Angelo N 87°52'28" E a distance of 906.50 feet to the south east corner thereof;

Thence along the easterly line of D'Angelo N 2°01'30" W a distance of 1489.80 feet to a point being 300 feet southerly from the centerline of Beach Ridge Road as measured at right angle therefrom, said point being a point on the southerly line of Sewer District No1;

Thence along the southerly line of Sewer District NO. 1 S 48°19'32" W a distance of 980.77 feet to an angle point thereon;

Thence continuing along the southerly line of Sewer District No. 1 S 47°24'24" W a distance of 639.00 feet and the POINT OF BEGINNING.

The above described parcel contains ± 26.018 acres (1133344 sq. ft.)

WHEREAS, accepting, also and reserving to any and all utilities the right of access at all times for the update, maintenance, and service of their facilities;

WHEREAS, private funds will be used to install all sanitary sewer facilities and therefore, the facilities are being constructed at no cost to the Town of Pendleton;

WHEREAS, the Map, Plan and Report aforesaid are on file in the Town Clerk's Office for Public Inspection during regular business hours;

WHEREAS, the District No. 1 extension for said Beach Ridge Meadows Subdivision, consisting of gravity sewers and other appurtenant facilities and more over described in the Map, Plan and Report are satisfactory, sufficient, adequate and appropriate; the property and property owners within the proposed district are benefited thereby; the property and property owners benefited are included within the limits of said proposed district; and that the proposed district and the facilities are in the public interest.

Now, therefore, be it ORDERED, by the Town Board of the Town of Pendleton, Niagara County, New York, as follows:

1. That the Town Board of the Town of Pendleton shall meet at the Town Hall, 6570 Campbell Blvd. on June 8, 2015 at 6:45 P.M., to conduct a public hearing to hear all persons interested in the proposed sewer district
2. That the Town Clerk of the Town of Pendleton is hereby authorized and directed to publish a copy of the Order in the official newspaper, in the time and manner required by law. The Town Clerk shall also file a copy of this order with the New York State Comptroller's Office.

RESOLUTION 95 - 15

AMENDMENT TO THE TOWN CODE §247-13 MEDIUM COMMERCIAL (PUBLIC HEARING #3)

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

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

Resolved to approve the amendment to Town Code §247-13 Medium Commercial to allow for Multi-Family dwelling in Medium Commercial.

RESOLUTION 96 - 15
**TRANSFER OF FUNDS FOR THE PURCHASE OF A 4 TON FALCON ASPHALT RECYCLER
(PUBLIC HEARING #4)**

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 transfer of \$16,412.72 from DA.0962 Budgetary Provisions to DA5130.02 Fixed Assets for the purchase of a 4 Ton Falcon Asphalt Recycler.

RESOLUTION 97 - 15
**AUTHORIZATION TO SIGN SEWER CONNECTION REQUEST FOR THE BEACH RIDGE
SUBDIVISION PROJECT**

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 the Supervisor to sign the letter to the Niagara County Sewer District requesting to connect to the Niagara County Sewer District manhole #12 – 13 for the Beach Ridge Meadows subdivision.

RESOLUTION 98 – 15
NEW WENDELVILLE MEMBERS

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

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

Resolved to add Daniel & Dyllan Gross of Marie Court and Richard Misztal of McIntosh Rd. as new members of the Wendelville Volunteer Fire Company to the Town's Insurance to be effective immediately.

RESOLUTION 99 - 15
TRAIL GRANT CONTRACT WITH C & S COMPANIES

Motion by Councilman Fischer, 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 C & S Companies for the design of the Town's Recreational Trail Expansion project DOT PIN#5760.85.

RESOLUTION 100 – 15
AUTHORIZATION TO SIGN 9 MILE AGREEMENT

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

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

Resolved to authorize the Supervisor to sign the agreement with 9-Mile Island Youth Camp Inc.

Town Attorney Claude Joerg was not in attendance but the Board would like to see his recommendation for contracting with an environmental attorney to help draft an ordinance for the Town regarding health and noise issues for National Fuel's desire to build two compressors on Aiken Road. A question was asked if Attorney Joerg would have a conflict of interest since he was the County's Attorney and the County would benefit substantially from the taxes received from National Fuel. Several attorney names were submitted for the Board's review.

RESOLUTION 101 – 15

ATTORNEY APPOINTMENT

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

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

Resolved to appoint an Attorney with Attorney Claude Joerg recommendation and using several of the other Attorneys as additional resources if needed.

At the meeting that was held at the Wendelville Fire Company in May the public was told that the answers to the many questions and concerns submitted would be on National Fuel website. A spokesman from National Fuel said that they have not received the transcript from the meeting but will post the results once they have the opportunity to review the questions that were presented that evening. The results will be posted to their website and a hard copy will be submitted to the Town. He anticipates it should be completed by the end of June.

Highway Superintendent Stowell asked for an Executive Session for a personnel matter.

Motion by Councilman Fischer, seconded by Councilman Leible to adjourn to Executive Session for Personnel matter at 7:45 P.M. Motion carried.

Motion by Councilman Fischer, seconded by Councilman Morrison to adjourn from Executive Session and resume the regular meeting at 7:59. Motion carried.

Legislator Tony Nemi reported that the County Legislators voted to distribute 75% of the County's share of Casino funds back to the Towns. He presented a check for the Town of Pendleton for \$26,621.00. He suggested that the Town Board use those funds towards the expenses that the Town will have if they proceed with hiring an environmental attorney. He also said that the Town can expect to receive a check for about the same amount next year too.

Superintendent Stowell reported to the Board that he has sent one of his crew to look over the Arrowhead subdivisions head stone that was knocked down a few months ago. The phones calls he and the Town Board have received are a 50/50 opinion whether to replace

it. He hopes to schedule the removal of the broken stone and has not decided to replace it or move it back a bit from its present location. Other items discussed were:

- Feigle Road – the County hopes to begin in the fall for the preservation project to redo the road and improve the drainage ditches
- Feigle Road may be eligible for a federal grant, it is a long process from application to being awarded the funds, approximately 10 to 15 years
- Increased heavy truck traffic due to the , the Canal project and the Electric Company project is causing heavy damage
- The speed limit is 55 MPH the Town has requested it to be lowered with no success

Councilman Fischer announced that a replica of the Vietnam Memorial Wall will be traveling from the Chapel at Crosspoint Parkway in Getzville to the Town of Lockport via Transit Road on Thursday the 11th. The “patriotic riders” along with various motorcycle clubs in the area will escort the wall from the Chapel to the Lockport Town Hall.

PUBLIC REMARKS/COMMENTS

BOARD MEMBERS DISCUSSION

Motion by Councilman Leible, seconded by Councilman Fischer to schedule a Work Session for Monday June 22nd at 7:00 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Morrison, to adjourn at 8:10 P.M. Motion carried.

Terry J. Pienta, Town Clerk