

TOWN OF PENDLETON
June 9, 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 9th day June 2014 at 8:00 P.M. One Public Hearing was scheduled for 7:45 P.M.

PUBLIC HEARING

Supervisor Riester called the Public Hearing to order at 7:50 P.M.

Clerk Pienta read the Public Hearing Notice that was published in the Union Sun & Journal on June 2, 2014. The purpose of the Public Hearing was to amend the Town Code §191 Parks; §220-20 & §220-24 Subdivision of Land; § 222 Swimming Pools; and §247-12 & §247-14 Zoning.

Concerns/comments from residents included:

- § 191 Parks – refers to Town Park Policy’s that have not been approved yet; appears to allow the Recreation Committee to make changes without the Board approval and input from the public
- § 220-20 & §220-24 – Subdivision of Land – wanted clarification for the developer to provide speed limit and traffic signs per Highway Superintendents direction
- §222 Swimming Pools – definition is not clear as to whether this change included ponds; folding steps must be approved by the Code Enforcement Officer- appears to be too selective
- §247-Multi-family dwellings – the “special exception” has been removed, several examples were given where it may be beneficial for the Town Board to allow a special exception

The business owner from Chameleon Pools spoke in favor of the proposed addition to the Town’s Code allowing Multi-family dwelling in Commercial districts.

No one else wished to be heard.

Motion by Councilman Leible, seconded by Councilwoman Jarvis to close the Public Hearing at 8:20 P.M.

REGULAR MEETING

Supervisor Riester called the meeting to order at 8:22 P.M.

Scouts Devon Brady, Derek Orszulak, Joey Prisaznuk and Trut Lohnas from Boy Scout Troop #47 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
Claude Joerg	Attorney
Dave Britton	Town Engineer
Jim Argo	Water/Sewer Superintendent
Dave Gerber	Building Inspector
Jeff Stowell	Highway Superintendent
Don Bergman	Budget Director

There were approximately 35 residents and 4 Boy Scouts from Troop # 47 in attendance.

AMENDMENTS-ADDITIONS-DELETIONS TO THE AGENDA

Delete authorization to sign Trail Grant Agreement for Attorney review.
Add authorization to purchase fill from Highway Department.

RESOLUTION 72 - 14

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 of the Regular Meetings held May 12th and Work Session held May 27th be approved as submitted by Clerk Pienta.

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

General Fund	\$	48,991.84
Highway	\$	15,209.25
Water	\$	5,145.68
Sewer	\$	9,907.28
Refuse	\$	34,242.78
Farmer's Market	\$	609.74
Trust & Agency	\$	8,760.55

OTHER REPORTS

Supervisor Riester reported that the sales tax collected for the month of April was \$122,973.68. This is compared to \$114,417.40 for April 2013. This is an increase of \$8,559.28 April 2013. The year to date received is \$504,755.14 which is a decrease of \$22,101.76 from 2013. He also reported that the DEC held an informational meeting for several Supervisor's. The purpose of the meeting was to try to convince the Supervisor's that the product called Equate is a good product. None of the Supervisor's agreed with

them and will continue their own Code changes to protect the residents of their community.

Councilman Leible reported that the Building Department issued 17 violations, 14 remain outstanding. Total outstanding year to date is 21. He also reported that the Highway Department chipped brush, changed rotted driveway pipe on Oakwood and Dunnigan Rd., installed new pipe and driveway aprons on Aiken and Main Rd. repaired several bubblers in Pendale and 2 in Creekview subdivisions, patched cracks and holes on Oakwood and Old Tonawanda Creek Rd., seeded plow damage in subdivisions, and maintained parks, cemeteries and athletic fields.

Councilman Fischer reported that the first Veteran's "annual" ceremony was well attended. Supervisor Riester and Assemblyman Ray Walter's spoke briefly. Boy Scout Troop #47 were also in attendance. He also mentioned he attended the Starpoint School 5th grade Jazz program and was very impressed with the music program that Starpoint provides. He has also met with the group for the town's Rails to Trails. They will continue to work on ideas and get quotes for the landscaping of the entrances to each of the sections of the trails.

Councilwoman Jarvis reported that she has been gathering information for the Board regarding prices for a salt shed. She will also include the various kinds along with the life expectancy of each.

Engineer Britton - nothing to report

Attorney Joerg - nothing to report

NEW BUSINESS

RESOLUTION 73 - 14

WENDELVILLE VOLUNTEER FIRE CO. MEMBERSHIP

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 Seth Morgan from Beach Ridge Rd. and Jack and Robert Calloway from Tonawanda Creek Rd. to the insurance effective immediately.

Ed McDonald from the Wendelville Volunteer Fire Company requested that the Board to consider two changes to the current LOSAP retirement program. One change for the Board to consider would be to extend the maximum number of years of active service from the current 20 years to 30 years and to lower the age you can qualify for the retirement from 65 years old to 62 years old.

RESOLUTION 74-14

TABLE DECISIONS FOR CODE CHANGES §191, §220, §222, and §247

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

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

Resolved to table the decisions regarding the Code changes as presented at the Public Hearing to receive more information concerning the public's concerns.

RESOLUTION 75 -14

AUTHORIZATION TO ADVERTISE TRAIL GRANT BID

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 publishing for proposals for Professional Services for the Pendleton Recreational Trail Expansion Project.

RESOLUTION 76 - 14

AUTHORIZATION TO SELL SURPLUS FILL

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 Highway Superintendent to sell surplus soil (15,000 yards) at \$1.00 a yard to Wolf Nursery.

RESOLUTION 77 – 14

AUTHORIZATION FOR STREET CLOSURE FOR ANNUAL BLOCK PARTY

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 Highway Superintendent to close Macintosh Lane for the annual Old Orchard Estate Block Party on August 16th and keeping Cortland Drive open for Emergency vehicles.

RESOLUTION 78 – 14

AUTHORIZATION TO SIGN INSURANCE CONTRACT

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 contract with Ulrich & Company for the Town's insurance coverage.

PUBLIC REMARKS/COMMENTS

- Supports the idea of a Community Center and hopes the Board will consider it
- Thanked the Town Board for sticking by the residents regarding the Equate issue
- Boy Scout leader thanked the Board for their continued support of the Boy Scouts

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- Request for a clean-up of a pile of sticks and branches for a home on Tonawanda Creek Rd.
- Continue water problem for resident that lives along Devonshire Rd. – Engineer Britton to look at

BOARD MEMBERS DISCUSSION

Motion by Councilman Leible, seconded by Councilman Fischer to schedule a Work Session for Monday June 30th at 7:00 P.M.

Motion by Councilman Leible, seconded by Councilman Fischer to adjourn to Executive Session at 8:57 P.M. for personnel issue. Motion Carried.

Motion by Councilman Leible, seconded by Councilman Morrison to adjourn from Executive Session and the Regular Meeting at 9:23 P.M. Motion carried.

Terry J. Pienta, Town Clerk