

**TOWN OF PENDLETON**  
May 12, 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 12<sup>th</sup> day May 2014 at 8:00 P.M. Three Public Hearings were also scheduled.

**PUBLIC HEARING # 1**

Supervisor Riester called the Public Hearing to order at 7:52 P.M.

Clerk Pienta read the Public Hearing Notice that was published in the Union Sun & Journal on May 6, 2014. The purpose of the Public Hearing was to amend the Town Code §119-10 Dog, Seizure, impoundment, redemption, and adoption. The current Town Code states that the Town will charge an impoundment fee of \$50.00 for the first offense. Because the Town has not charged for the first offense in the past the State Ag and Market has issued numerous reports that the Town is not in compliance with their own Town Law. The amendment allows for no fee to be charged for the first offense and a fifty dollar fee thereafter.

Motion by Councilman Leible, seconded by Councilman Fischer to close the Public Hearing at 7:54 P.M.

**PUBLIC HEARING # 2**

Supervisor Riester called the Public Hearing to order at 7:54.

Clerk Pienta reported that the Public Hearing was for the formation of Storm Sewer District #3 that was published in the Union Sun & Journal on May 6, 2014. The district was being created for the new subdivision, Heritage Landings that is located at Bear Ridge and Feigle Roads. The creation of this district will not be financed by the Town.

No one wished to be heard.

Motion by Councilman Leible, seconded by Councilwoman Jarvis to close the Public Hearing at 7:56 P.M.

**PUBLIC HEARING # 3**

Supervisor Riester called the Public Hearing to order at 7:56 P.M.

Clerk Pienta reported that the Public Hearing for the formation of Sanitary Sewer District #5 was being created for the new subdivision, Heritage Landings that is located at Bear Ridge and Feigle Roads. The creation of this district will not be financed by the Town.

One resident asked for the details to be read.

Supervisor Riester read the Public Notice.

No one else wished to be heard.

Motion by Councilman Leible, seconded by Councilman Fischer to close the Public Hearing at 7:58 P.M.

### **REGULAR MEETING**

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

Supervisor Riester read the invocation and the salute to the flag.

Supervisor Riester asked for a moment of silence for Richard Pierce who was a past Assessor for the Town of Pendleton.

ROLL CALL:	Supervisor Riester	present
	Councilman Leible	present
	Councilman Morrison	absent
	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

There were approximately 35 residents in attendance.

### **AMENDMENTS-ADDITIONS-DELETIONS TO THE AGENDA**

Delete the discussion of a salt shed (# 7 on the agenda)

Add a discussion for the cost of the repairs to the chain link fencing for the various baseball diamonds.

### **COMMUNICATIONS**

Clerk Pienta announced that a representative from the Niagara County Veterans Service Agency will be at the Town Hall on Thursday May 15<sup>th</sup>. The purpose of the visit is to review benefits that are available for Veteran's by appointment on an individual basis.

## **PUBLIC COMMENT ON AGENDA ITEMS**

One resident asked where the fencing was going to be installed for the baseball diamonds. Supervisor Riester said that the “on deck” batting area and the back stop for diamond #7.

A representative from Assemblyman Walter’s office reported that the Assemblyman had sent a letter to the Town of Amherst’s Town Board. After speaking with Supervisor Weinstein and explaining the concerns regarding the product Equate the Supervisor has agreed that the Town of Amherst will no longer send their sewage from the treatment plant to Quasar. The Town is under contract with Quasar but believes that they have fulfilled the quota but he said if they have not they will pay the penalty. He also reported that the DEC did tell him that they will review the permits that have been issued to Quasar.

One resident felt that everyone is getting upset over the fertilizer product called Equate and feels that the county should be looking into other alternatives to disposing of human waste. It was explained that most everyone’s concern is what is in the product that is not being tested for and that it includes industrial waste, not just treated human waste. The concern is also that it can be spread on fields that will eventually grow products that will be consumed by animals and people.

### **RESOLUTION 60 - 14**

#### **APPROVAL OF MINUTES**

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

ADOPTED      Ayes 4      Riester, Leible, Fischer, Jarvis  
                         Nays 0

Resolved that the minutes of the Regular Meetings held April 14<sup>th</sup> be approved as submitted by Clerk Pienta.

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

General Fund	\$	41,441.42
Highway Fund	\$	14,760.10
Water	\$	34,738.54
Sewer	\$	5,486.52
Refuse	\$	34,242.78
Farmer’s Market	\$	542.28
Trust & Agency	\$	2,185.95

## **OTHER REPORTS**

**Supervisor Riester** reported that the sales tax collected for the month of March was \$151,115.58. This is compared to \$185,809.14 for March 2013. This is a decrease of \$34,693.56 March 2013. The year to date received is \$381,781.46 which is a decrease of \$30,658.04 from 2013. He also reported that he has not received a price from the company regarding the cost to order the larger 95 gallon recycling bins.

**Councilman Leible** reported that the Building Department issued 4 violations, three remain outstanding. Total outstanding year to date is ten. He also asked for everyone's newsletter articles by June 1<sup>st</sup>.

**Councilman Fischer** reported that the Sewer Department had 10 regular time sewer call, 1 overtime sewer call, completed 4 grinder pump updates, 2 partial grinder updates, 2 grinder system pressure sewer break repairs, 5 sold home compliance inspections, topsoil and seeded previous sewer and water breaks, 42 underground stakeouts completed, checked on 3 pup stations, completed the annual MS4 report. He also reported that the Water Department completed the meter reads, repaired 2 water main breaks, 2 new home water services installed, turned the water on for the parks and rest rooms, inspected 3 water/sewer open trenches for new homes, replaced 3 water meters (all have warranty), drained the ice rink, delivered 2 recycling totes, senior's tables 3 times during the month and several guys helped out in the Highway Department when needed. He also announced that several vets from the Pendleton Veteran's Committee will be placing a wreath at the Town's memorial on Sunday May 25<sup>th</sup> at 1:30 P.M. Boy Scout Troop #47 hope to have a flag burning ceremony that day also. He reported that at the last meeting for Rails to Trails they discussed signage and the entrances of each set of trails, to make them more inviting, and the possibility of a few small open buildings for people if they want to take a break while they are walking the trails.

**Councilwoman Jarvis** reported that the Wendelville Fire Company is trying to raise money for a new fire truck and a new building. The Ladies Auxiliary held a flea market and chowder sale that was very successful and the money that was raised will be given to them towards that purpose. She also attended a spaghetti dinner for seniors that is sponsored by the Pendleton Lions Club. There were about 80 seniors that attended. After the dinner they all participated in a sing along.

**Attorney Joerg** reported that he has been working on the Town's Solid Waste Code since the May 1<sup>st</sup> Public Hearing. He hopes to finish the revision in the chapter within the week and will forward them to be posted on the website.

## **NEW BUSINESS**

### **RESOLUTION 61-14**

#### **AMENDMENT TO §119 – 10 DOG IMPOUNDMENT FEE**

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

ADOPTED:     Ayes 4       Riester, Leible, Fischer, Jarvis  
                  Nays 0

Resolved to amend the Town Code §119 – 10 Seizure, Impoundment, Redemption, and Adoption charging no impoundment fee for the first offense and \$50.00 for the second offense and all subsequent impoundments and to eliminate the \$15.00 kenneling fee.

### **RESOLUTION 62 -14**

#### **STORM WATER DISTRICT #3**

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

ADOPTED: Ayes 4 Riester, Leible, Fischer, Jarvis  
Nays 0

WHEREAS, a map, plan and report dated March 17, 2014 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. 3- Heritage Landings, 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 Heritage Landings comprised entirely within the Town of Pendleton, such being more particularly bounded and described as follows:

STORM SEWER DISTRICT No. 3 – HERITAGE LANDINGS

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Pendleton, County of Niagara, State of New York being part of Lots 71 and 66, Township 13, Range 7 of the Holland Land Survey (so called) bounded and described as follows:

Commencing at a point on the south line of Lot 71 and the centerline of Feigle Road a distance of 2388.40 feet easterly from the south west corner of Lot 71, as measured along the south line of Lot 71;

Thence N 1°33'27" W a distance of 33 feet to a point on the north line of Feigle Road, said point being the POINT OR PLACE OF BEGINNING;

Thence N 1°33'27" W a distance of 324.37 feet to a point

Thence N 88°26'33" E a distance of 20.00 feet to a point

Thence N 1°33'27" W a distance of 90.00 feet to a point of curve;

Thence along an arc 90.52 feet to the right, having a radius of 180.00 feet, the chord of which is N 12°50'58" E for a distance of 89.57 feet to a point of reverse curve;

Thence along an arc 60.35 feet to the left, having a radius of 120.00 feet, the chord of which is N 12°50'58" E for a distance of 59.71 feet to a point of tangency;

Thence N 1°33'27" W a distance of 116.54 feet to a point of curve;

Thence along an arc 51.53 feet to the left, having a radius of 120.00 feet, the chord of which is N 13°51'31" W for a distance of 51.13 feet to a point of tangency;

Thence N 26°09'36" W a distance of 42.02 feet to a point;

Thence N 89°30'35" W a distance of 278.80 feet to a point;

Thence N 1°33'27" W a distance of 1535.84 feet to a point;

Thence S 89°54'10" E a distance of 603.90 feet to a point;

Thence S 1°46'29" E a distance of 168.46 feet to a point;

Thence S 85°51'36" E a distance of 1571.89 feet to a point;

Thence S 1°15'28" E a distance of 61.38 feet to a point;

Thence N 88°44'32" E a distance of 1138.32 feet to a point, said point being the north west corner of Lot 3 as shown on Map filed in the Niagara County Clerk's office in Book 60 of microfilmed maps at page 6071;

Thence along the west line of lot 3 of said map S 26°09'56" W a distance of 259.12 feet to a point, said point being the south west corner of Lot 3 on said map;

Thence along the south line of Lot 3 of said map N 88°44'32" E a distance of 267.20 feet to a point on the west line of Bear Ridge Road and the south east corner of Lot 3 of said map;

Thence along the west line of Bear Ridge Road S 27°50'35" W a distance of 124.72 feet to a point;

Thence S 88°44'33" W a distance of 263.09 feet to a point on the west line of Lot 2 on said map;  
Thence S 26°09'56" W a distance of 68.11 feet to an angle point in the west line of Lot 2 on said map;  
Thence along the west line of Lot 2 and Lot 1 on said map S 36°36'06" W a distance of 196.03 feet to a point;  
Thence S 26°09'56" W a distance of 450.82 feet to a point on the north line of Gilbert (Liber 957, Page 544);  
Thence along the north line of Gilbert S 88°44'32" W a distance of 541.00 feet to the northwest corner of Gilbert, said point also being an angle point in the east line of Lot 3 as shown on Map filed in the Niagara County Clerk's Office in Book 61 of microfilm maps at page 6125;  
Thence along the division between Lots 2 and 3 as shown on last said map S 1°15'30" E a distance of 219.27 feet to a point;  
Thence N 89°30'35" W a distance of 1879.09 feet to a point;  
Thence S 26°09'36" E a distance of 13.19 feet to a point of curve;  
Thence along an arc 77.29 feet to the right, having a radius of 180.00 feet, the chord of which is S 13°51'32" E for a distance of 76.70 feet to a point of tangency;  
Thence S 1°33'27" E a distance of 116.54 feet to a point of curve;  
Thence along an arc 90.52 feet to the right, having a radius of 180.00 feet, the chord of which is S 12°50'58" W for a distance of 89.57 feet to a point of reverse curve;  
Thence along an arc 60.35 feet to the left, having a radius of 120.00 feet, the chord of which is S 12°50'58" W for a distance of 59.71 feet to a point of tangency;  
Thence S 1°33'27" E a distance of 90.00 feet to a point;  
Thence N 88°26'33" E a distance of 20.00 feet to a point;  
Thence S 1°33'27" E a distance of 324.89 feet to a point on the north line Feigle Road;  
Thence along the north line of Feigle Road S 88°44'31" W a distance of 100.00 feet and the POINT OF BEGINNING.

The above described parcel contains ± 89.185 acres (3884896 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. 3 – Heritage Landings, consisting of a gravity storm collection system, stormwater 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:

That the Town Board of the Town of Pendleton shall meet at the Town Hall, 6570 Campbell Blvd. Pendleton, N.Y. on May 12, 2014 at 6:50pm, to conduct a public hearing to hear all persons interested in the proposed sewer district;

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 63 -14

**SANITARY SEWER DISTRICT #5**

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

ADOPTED:     Ayes 4       Riester, Leible, Fischer, Jarvis  
                  Nays 0

WHEREAS, a map, plan and report dated March 17, 2014 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 sanitary sewer district in the Town of Pendleton, Niagara County, New York, to be known as Sanitary Sewer District No. 5- Heritage Landings, pursuant to Article 12 of the Town law; and

WHEREAS, it is proposed that such Town Sanitary Sewer District shall comprise of all sanitary sewer pressure and gravity system, and pumping stations to service a residential subdivision, known as Heritage Landings comprised entirely within the Town of Pendleton, such being more particularly bounded and described as follows:

**SANITARY SEWER DISTRICT No. 5 – HERITAGE LANDINGS**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Pendleton, County of Niagara, State of New York being part of Lots 71 and 66, Township 13, Range 7 of the Holland Land Survey (so called) bounded and described as follows:

Commencing at a point on the south line of Lot 71 and the centerline of Feigle Road a distance of 2388.40 feet easterly from the south west corner of Lot 71, as measured along the south line of Lot 71;

Thence N 1°33'27" W a distance of 33 feet to a point on the north line of Feigle Road, said point being the POINT OR PLACE OF BEGINNING;

Thence N 1°33'27" W a distance of 324.37 feet to a point

Thence N 88°26'33" E a distance of 20.00 feet to a point

Thence N 1°33'27" W a distance of 90.00 feet to a point of curve;

Thence along an arc 90.52 feet to the right, having a radius of 180.00 feet, the chord of which is N 12°50'58" E for a distance of 89.57 feet to a point of reverse curve;

Thence along an arc 60.35 feet to the left, having a radius of 120.00 feet, the chord of which is N 12°50'58" E for a distance of 59.71 feet to a point of tangency;

Thence N 1°33'27" W a distance of 116.54 feet to a point of curve;

Thence along an arc 51.53 feet to the left, having a radius of 120.00 feet, the chord of which is N 13°51'31" W for a distance of 51.13 feet to a point of tangency;

Thence N 26°09'36" W a distance of 42.02 feet to a point;

Thence N 89°30'35" W a distance of 278.80 feet to a point;

Thence N 1°33'27" W a distance of 1535.84 feet to a point;

Thence S 89°54'10" E a distance of 603.90 feet to a point;

Thence S 1°46'29" E a distance of 168.46 feet to a point;

Thence S 85°51'36" E a distance of 1571.89 feet to a point;

Thence S 1°15'28" E a distance of 61.38 feet to a point;

Thence N 88°44'32" E a distance of 1138.32 feet to a point, said point being the north west corner of Lot 3 as shown on Map filed in the Niagara County Clerk's office in Book 60 of microfilmed maps at page 6071;

Thence along the west line of lot 3 of said map S 26°09'56" W a distance of 259.12 feet to a point, said point being the south west corner of Lot 3 on said map;

Thence along the south line of Lot 3 of said map N 88°44'32" E a distance of 267.20 feet to a point on the west line of Bear Ridge Road and the south east corner of Lot 3 of said map;

Thence along the west line of Bear Ridge Road S 27°50'35" W a distance of 124.72 feet to a point;

Thence S 88°44'33" W a distance of 263.09 feet to a point on the west line of Lot 2 on said map;

Thence S 26°09'56" W a distance of 68.11 feet to an angle point in the west line of Lot 2 on said map;

Thence along the west line of Lot 2 and Lot 1 on said map S 36°36'06" W a distance of 196.03 feet to a point;

Thence S 26°09'56" W a distance of 450.82 feet to a point on the north line of Gilbert (Liber 957, Page 544;

Thence along the north line of Gilbert S 88°44'32" W a distance of 541.00 feet to the northwest corner of Gilbert, said point also being an angle point in the east line of Lot 3 as shown on Map filed in the Niagara County Clerk's Office in Book 61 of microfilm maps at page 6125;

Thence along the division between Lots 2 and 3 as shown on last said map S 1°15'02" E a distance of 564.40 feet to a point on the north line of lands conveyed to W. Heitzenrater by deed filed in the Niagara County Clerk's Office in Liber 2560 of deeds at page 134;

Thence along the north line of said Heitzenrater lands S 88°44'31" E a distance of 112.59' feet more or less to the north east corner of said Heitzenrater lands;

Thence along the east line of Heitzenrater lands S 1°15'29" E a distance of 50.00 feet to a point;

Thence S 88°44'31" W a distance of 172.59 feet to a point;

Thence N 1°15'02" W a distance of 395.94 feet to a point;

Thence S 89°30'35" W a distance of 1819.09 feet

Thence S 26°09'36" E a distance of 13.19 feet to a point of curve;

Thence along an arc 77.29 feet to the right, having a radius of 180.00 feet, the chord of which is S 13°51'32" E for a distance of 76.70 feet to a point of tangency;

Thence S 1°33'27" E a distance of 116.54 feet to a point of curve;

Thence along an arc 90.52 feet to the right, having a radius of 180.00 feet, the chord of which is S 12°50'58" W for a distance of 89.57 feet to a point of reverse curve;

Thence along an arc 60.35 feet to the left, having a radius of 120.00 feet, the chord of which is S 12°50'58" W for a distance of 59.71 feet to a point of tangency;

Thence S 1°33'27" E a distance of 90.00 feet to a point;

Thence N 88°26'33" E a distance of 20.00 feet to a point;

Thence S 1°33'27" E a distance of 324.89 feet to a point on the north line of Feigle Road;

Thence along the north line of Feigle Road S 88°44'31" W a distance of 100.00 feet and the POINT OF BEGINNING.

The above described parcel contains ± 89.859 acres (3914257 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 proposed for said Sanitary Sewer District No. 5 – Heritage Landings, consisting of 2 sewer pump stations, pressure and 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:

That the Town Board of the Town of Pendleton shall meet at the Town Hall, (ADDRESS) on May 12, 2014 at 6:55 pm, to conduct a public hearing to hear all persons interested in the proposed sewer district

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.

**Attorney Joerg** reported that he has continued working on the amendments to the Town Code §213 Solid Waste. Based upon the 2,000 ft. buffer that has been included in the revisions it has been determined that the Town will need to go through a full environmental review process because it involves more than 10 acres of land. Once the revisions are complete, copies will be distributed to the various agencies and adjoining towns for their review. Some of the revisions include soil testing, ground saturations, heavy metal contents of the soil, slopes, local monitoring are among the few. They have 30 days to review and to send back comments, suggestions or objections to the Town. Attorney Joerg also suggested that those residents that have strong objections to the spreading of the product Equate come prepared to make a statement at the Public Hearing. This should include documentation of the information they used to form their opinions and concerns. The purpose of the Public Hearing and the comments to be presented is to develop a record for the future if the ordinance should be challenged in Court.

RESOLUTION 64 -14

**AUTHORIZATION TO PROCEED WITH THE SEQRA PROCESS**

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

ADOPTED: Ayes 4 Riester, Leible, Fischer, Jarvis  
Nays 0

Whereas the Town Board has determined that the amendments to §213 is considered a TYPE I Action under SEQRA, and

Whereas the Type I SEQRA process requires all adjoining municipalities, the Niagara County Planning Board, the Town Planning Board, NY State Department of Transportation, NY State Ag & Markets and Department of Environment Conservation be notified and allowed for comment, and

Whereas, the Town Board of the Town of Pendleton has expressed an interest in proceeding as a lead agency for the environmental review process; and  
Whereas, the Town Board will provide the opportunity for public input regarding comments made by the agency's and/or municipality's as notified and written, and therefore be it  
Resolved that the Town Board of the Town of Pendleton authorize the SEQRA process to begin and will present the facts, opinions and comments at a scheduled and publicized Public Hearing.

RESOLUTION 65 -14

**SCHEDULE PUBLIC HEARING TO AMEND §213 SOLID WASTE**

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

ADOPTED: Ayes 4 Riester, Leible, Fischer, Jarvis  
Nays 0

Resolved to schedule a second Public Hearing to amend §213 Solid Waste for July 14 at 7:30 P.M.

RESOLUTION 66 – 14

**ANNUAL MS4 REPORT**

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

ADOPTED: Ayes 4 Riester, Leible, Fischer, Jarvis  
Nays 0

WHEREAS, the Town of Pendleton has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Town's efforts to protect and improve the water quality of our streams and water bodies, and

WHEREAS, the public is invited to review the Draft Annual Report and provide input, and  
WHEREAS, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY, by June 1, 2010.

NOW, THEREFORE BE IT RESOLVED, that the Town Board accepts said Draft Annual Report and is available for public review at the Town of Pendleton Town Clerks Office and authorizes the Supervisor to sign the Annual Report after the 10 day review period has passed.

**Councilman Leible** reported that Hebelers Sales and Service has requested that Main Rd. be closed from the Wendelville Garage to the corner at the child care center. Hebelers have arranged for stunt riders from California to perform and they will be selling Hot Dogs and Hamburgs. All proceeds will be donated to the Wendelville Fire Company.

RESOLUTION 67 – 14

**CLOSE MAIN ROAD JULY 22**

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

ADOPTED: Ayes 4 Riester, Leible, Fischer, Jarvis  
Nays 0

Resolved to authorize Superintendent Stowell to closed Main Rd. on July 22 from 4:00 P.M. to 10:00 P.M.

RESOLUTION 68 -14

**PUBLIC HEARING FOR TOWN CODE CHANGES AS RECOMMENDED BY THE PLANNING BOARD**

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

ADOPTED: Ayes 4 Riestter, Leible, Fischer, Jarvis  
Nays 0

Resolved to schedule a Public Hearing to review several Town Code amendments as recommended by the Planning Board at June 9<sup>th</sup> 2014 at 7:45 P.M.

RESOLUTION 69 - 14

**BASEBALL DIAMONDS FENCING REPAIRS/REPLACEMENTS**

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

ADOPTED: Ayes 4 Riestter, Leible, Fischer, Jarvis  
Nays 0

Resolved to authorize the repair of the existing fencing at the Town's expense and installation of fencing for the "next on deck" practice area, and replace the backstop fencing on diamond seven.

Councilman Leible requested to view the actual plans to be presented at the next work session.

RESOLUTION 70 - 14

**AUTHORIZATION TO FORWARD A TE 9 REQUEST TO THE DOT**

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

ADOPTED: Ayes 4 Riestter, Leible, Fischer, Jarvis  
Nays 0

Resolved to forward a request to the Department of Transportation a request to lower the speed limit on Mapleton Road from Aiken to Campbell Blvd. to a lower speed of 45 MPH. and to include the accident data from the Niagara County Sheriff's Department.

RESOLUTION 71 - 14

**AUTHORIZATION TO SIGN APPROPRIATE PAPER WORK FOR TRAIL GRANT**

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

ADOPTED: Ayes 4 Riestter, Leible, Fischer, Jarvis  
Nays 0

Resolved to authorize the Supervisor to sign the appropriate paperwork for the Trail Grant.

**PUBLIC REMARKS/COMMENTS**

A resident from Kristin Lane spoke on behalf of several neighbors about the water levels in their back yards. It has been getting worse for the past several years. He produced pictures to show how bad is. Engineer Britton has agreed to see if there is anything that can be done to resolve the problem. Another resident from the area spoke and said that he has been there for 15 years and confirms that it is getting worse.

A resident spoke in appreciation for the support from the Board, Town Attorney, and Assemblyman Walters regarding the spreading of the product Equate. She said there are many people that are not understanding that this product includes industrial waste which contains many hazardous metals.

### **BOARD MEMBERS DISCUSSION**

Motion by Councilman Fischer, seconded by Councilman Leible to schedule a Work Session for Tuesday May 27<sup>th</sup> at 7:00 P.M.

Motion by Councilman Leible, seconded by Councilman Fischer to close the Regular Meeting at 9:27 P.M. Motion Carried.

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Terry J. Pienta, Town Clerk