

**TOWN OF PENDLETON**  
**Work Session**  
April 27, 2015

A work session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, N.Y. on the 27<sup>th</sup> day of April 2015. The meeting was scheduled for 7:00 P.M. Supervisor Riester, Councilman Leible, Councilman Morrison, Councilman Fischer, Councilwoman Jarvis, Clerk Pienta, Attorney Claude Joerg, Jim Argo; Water-Sewer Superintendent, and Ken Smith Deputy Highway Superintendent, and 75 residents were in attendance.

Supervisor Riester called the meeting to order at 7:00 P.M.

Most of the residents were in attendance because of National Fuel's anticipated plans to install a very large compressor (22,000 HP) to be located approximately 1700 ft. in from Aiken Rd. (approximately 3,500 ft. north from Beach Ridge Rd.) National Fuel has said that nothing has been decided definitely yet but the company has been investing money surveying the area. Residents came to voice their concerns to the Town Board. Some of their concerns were:

- Location of the property where it's being surveyed
- Zoning is residential, not industrial
- Wildlife, hunting
- What can be done to stop the process
- Disturbance of the "cap" at the Frontier Chemical property
- Distance from the school
- Emanate domain
- Expedite the noise ordinance

National Fuel will be holding a scoping hearing at the Wendelville Fire Company on May 20<sup>th</sup>. The purpose of the hearing is for formal complaints to be received and written into the SEQR process. Supervisor Riester will contact our state and local representatives to see if they can help with this situation. The Board will also commission a sound study so that the Town will have their own baseline.

Supervisor Riester and Councilman Fischer discussed with the Board several complaints they have received regarding the speed limits on Fisk and Feigle Roads. The Town requested a lower speed limit in 2012 and the request was denied. Supervisor Riester also receive a complaint for Townline Rd. and he will notify the Sheriff's Department and request an increase surveillance of that area.

**RESOLUTION 71 - 15**

**SUBMIT TE - 9a REQUEST FOR FEIGLE AND FISK ROADS**

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

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

Resolved to submit a request to the Niagara County Public Works Commissioner to forward to the New York State Department of Transportation to lower the speed limit for Fisk and Fiegle Rd.

Carol Moeller and Elmer Walter from the Historical Society reported to the Board that they have met with Senator Ortt regarding the Greenway Funds as one option to replace the log cabin with a new building. They also discussed the cost of fixing the logs as a temporary measure at a cost of \$50,000.00 and caulking between the logs which would be an additional \$10,000.00. That still would not address many other issues with the building. They also discussed enlarging the existing plans of the Community Center to include a separate area for the museum but allowing them the use of the kitchen and the restroom facilities. It was determined that Councilwoman Jarvis will meet with the architect to reconfigure the plans of the community center to include room for the Historical Society. In the meantime Councilman Morrison will arrange for someone to examine the existing building for safety.

**RESOLUTION 72 – 15**

**AUTHORIZATION TO MEET WITH ARCHITECT**

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 Councilwoman Jarvis to meet with the architect to reconfigure the layout of the Community Center to include an area for the Historical Society.

Councilman Morrison reported to the Board that several of the wooden benches located at the baseball fields are in very poor condition and should be replaced. Three quotes were received for the purchase of 6 aluminum benches. Purchase price received were:

Kay Park Recreation	\$1,044.00
R.E. Woodson Inc.	\$1,076.00
Summit Supply Corp	\$1,132.00

**RESOLUTION 73 – 15**

**AUTHORIZATION TO ORDER BENCHES FOR THE BASEBALL DUGOUTS**

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

ADOPTED      Ayes 3      Riester, Leible, Fischer  
                    Nays 1      Morrison

Resolved to authorize the purchase of six aluminum benches from Kay Park Recreation for \$1,044.00.

**RESOLUTION 74 – 15**

**COUNTYWIDE GOVERNMENT EFFICIENCY PLAN**

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

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

WHEREAS, Governor Andrew Cuomo and the New York State Legislature enacted the Property Tax Freeze Credit to provide property tax refunds to homeowners as part of the 2014-2015 State Budget; and

WHEREAS, the new law encourages local governments to generate long-term tax relief for taxpayers by sharing services, consolidating or merging, and demonstrating and implementing operational efficiencies; and

WHEREAS, in year one of the program, which is 2015 for local governments, homeowners will receive the Freeze Credit if their local government stays within the property tax cap; and

WHEREAS, in year two of the program, which is 2016 for local governments, homeowners will receive the Freeze Credit for property taxes from any taxing jurisdiction in which the homeowner resides that stays within the property tax cap and puts forward a State-approved Government Efficiency Plan demonstrating savings equivalent to one percent of their property tax levies in each of the following three years; and

WHEREAS, while the local governments may take a variety of approaches to develop their Government Efficiency Plans, the State has strongly encouraged they convene and facilitate a process to develop and submit county-wide Government Efficiency Plans; and

WHEREAS, Niagara County has offered to coordinate the development of such Government Efficiency Plans as the lead agency on behalf of all other interested municipalities; and

WHEREAS, the Town of Pendleton is interested in intergovernmental cooperation with Niagara County and other municipalities in submitting a county-wide Government Efficiency Plan and desires to memorialize its intention to participate in a coordinated Plan to allow its homeowners to receive the Freeze Credit.

NOW, THEREFORE, BE IT RESOLVED that the Town of Pendleton seeks to ensure that Town homeowners will receive the Freeze Credit as part of this new State Law; and

BE IT FURTHER RESOLVED that the Town of Pendleton did not exceed its designated property tax cap for fiscal year 2015 and memorializes that it has no intention of exceeding the cap for fiscal year 2016, which if exceeded would disqualify the Town from participation in the Property Tax Cap Freeze Credit Program; and

BE IT FURTHER RESOLVED that the Pendleton Town Board does hereby express its support for, and participation in the Niagara County-wide Government Efficiency Plan; and

BE IT FURTHER RESOLVED that the Town Board urges the New York State Division of the Budget to approve Niagara County's coordinated Government Efficiency Plan with local governments with the understanding that the Town has played an active role in the identification of preexisting and implementation of new shared services, consolidations or merges, and operational efficiencies within the Town of Pendleton for inclusion in the county-wide plan; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Niagara County Manager; the Niagara County Budget Director; and the Niagara County Legislature.

#### RESOLUTION 75 – 15

#### **SCHEDULE PUBLIC HEARING FOR PURCHASE OF A BLACKTOP “HOT BOX”**

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

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

Resolved to schedule a Public Hearing for the purchase of a blacktop “hot box” at the cost of \$16,412.72 for 6:45 P.M. May 11<sup>th</sup>, 2015.

#### RESOLUTION 76 – 15

#### **DECLARE TWO VEHICLES AS SURPLUS EQUIPMENT AND TAKE TO AUCTION**

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

Resolved to declare a 1987 Single axle cab and chassis and a 2003 Ford 550 with plow as surplus equipment and authorize the sale of the trucks at the Palmyra Municipal Auction.

The Highway Department requested authorization to purchase a dump hoist hydraulic cylinder to replace the old cylinder that was determined to be beyond economical repair. Three bids were received:

Corfu Machine Company	\$2,969.00
Valley Fab & Equipment Inc.	\$2,146.00
Fluid Power	\$2,800.00

RESOLUTION 77 – 15

**AUTHORIZE THE PURCHASE OF A DUMP HOIST HYDRAULIC CYLINDER**

Motion by Councilman Fischer, seconded by Supervisor Riester, the following resolution was  
ADOPTED Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis  
Nays 0

Resolved to authorize the purchase of a dump hoist hydraulic cylinder from Valley Fab & Equipment Inc. for \$2,146.00.

Engineer Britton reported to the Board that a Town of Lockport Rd. water line project on a line that runs from Lockport Rd to Mapleton Rd. Residents along that waterline currently pay Lockport for their water. He offered options for the Town to consider;

- Take over the waterline which is very old but would enable the Town to loop their waterlines
- Keep the pipe the way it and continue to sharing the cost of repairs and share the cost of a new meter pit
- To replace the old waterline would be expensive; about \$350,000.00 and it's a very difficult area to replace because of the area is very rocky

Motion by Councilman Leible, seconded by Councilman Morrison, to adjourn to Executive Session for personnel and contractual discussion at 9:16 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer to adjourn from Executive Session and the Work Session at 9:32 P.M. Motion carried.

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Terry J. Pienta, Town Clerk