

**TOWN OF PENDLETON**  
**Work Session**  
November 28, 2016

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 28<sup>th</sup> day of November 2016. The meeting was scheduled for 7:00 P.M.

Supervisor Maerten opened the meeting at 7:03 P.M.

Supervisor Maerten, Councilman Fischer, Councilman Ostrowski, and Councilman Leible. Councilwoman Jarvis was absent. Also present:

Jim Argo – Water-Sewer Superintendent  
Terry Pienta – Town Clerk  
Claude Joerg – Attorney  
Kelli Coughlin – Assessor  
Wolfgang Buechler – Board of Appeals

There were approximately 10 residents in attendance.

**AGENDA ITEMS**

Review DRAFT Solar Energy Systems

The Board discussed the changes that have been made to the draft copy of the Solar Energy Systems written for the Town's Code. A few of the changes discussed were:

- Removed the site plan requirement for ground mounted solar panels for residential installations
- Decreased the square footage for ground mounted solar panels down to 600 sq. ft. on properties less than 2 acres and 2000 sq. ft. for properties larger than 2 acres for residential installations
- Added to the decommissioning plan a requirement for a bond or approved security plan to cover the cost of the removal of the panels upon the end of the life of the panels for the large scale solar energy system.
- Increase side lot setback from 100 ft. to 200 ft.
- Increased the total surface area allowed to 10% of the total square footage of entire lot for R1 and R2 Zones.

The Planning Board will be asked to do a final review. The County Planning Board will need to review it along with abutting communities and the NY State Department of Ag and Market.

Grass height for Code

The Town has always referenced the State Code when writing up violations for grass and weeds which was greater than 10 inch in height. The updated state code provides for the local

municipality to determine the height for issuing a violation notice. It will require an amendment to the Town Code. Attorney Claude Joerg will prepare a draft ordinance.

Tru Green Contract

The Board agreed to renew the contract for 2017.

**RESOLUTION 139 - 16**

**PUBLIC IMPROVEMENT PERMIT - D'ANGELO**

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

ADOPTED      Ayes 4      Maerten, Leible, Fischer, Ostrowski

                 Nays 0

Resolved to accept the Public Improvement Permits for the Beach Ridge Meadows subdivision for the installation of blacktop and concrete curbs as recommended by the Town Engineer and his certification that they conform to the Pendleton Town Code.

The Town Board continues to pursue lowering the speed limit on Mapleton Road from Campbell Blvd. to Townline Road. The Department of Transportation denied the previous request. Senator Ortt will present the request through the State Legislature. Supervisor Maerten asked for a motion for the following resolution.

**RESOLUTION 140 - 16**

**SUPPORT OF REDUCING SPEED LIMIT ON MAPLETON ROAD**

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

ADOPTED      Ayes 4      Maerten, Leible, Fischer, Ostrowski

                 Nays 0

**WHEREAS**, the present speed limit for Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road is 55 Mile Per Hour [MPH]; and

**WHEREAS**, there have been numerous motor vehicle accidents on Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road; and

**WHEREAS**, as a result of such motor vehicle accidents on Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road the Town of Pendleton is concerned with the safety of the public due to the present speed limit of 55 MPH; and

**WHEREAS**, Starpoint Central School has its facilities on said Mapleton Road and has a similar concern as a result of the 55 MPH speed limit on Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road ; and

**WHEREAS**, similarly Starpoint Central School has requested that the speed limit on said Mapleton Road be lowered to 45 MPH due to safety concerns for those motor vehicle operators entering on Mapleton Road from Starpoint Central School and/or exiting Mapleton Road and entering Starpoint Central School; and

**WHEREAS**, the Town of Pendleton hereby requests that New York State Senator Robert G. Ortt submit the appropriate legislation to the New York State Legislature directing that the speed limit on said Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road be lowered from 55 MPH to 45 MPH due to safety concerns; and

**WHEREAS**, the Town of Pendleton hereby requests that Niagara County Legislature adopt a similar resolution in support of this Resolution from the Town of Pendleton, requesting that the speed limit on said Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road be lowered from 55 MPH to 45 MPH due to safety concerns; now therefore be it

**RESOLVED**, that the Town of Pendleton hereby requests that the New York State Legislature enact all necessary legislation to reduce the speed limit on said Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road from 55 MPH to 45 MPH due to safety concerns.

**RESOLVED**, that the Town of Pendleton hereby requests that the Niagara County Legislature enact a Resolution in support of this effort by the Town of Pendleton to reduce the speed limit on said Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road from 55 MPH to 45 MPH due to safety concerns.

The Town Board is waiting for a list from Civil Service of eligible persons for the Building Inspector position that will be vacant upon Dave Gerber's retirement in March. Councilman Ostrowski will call the eligible candidates and set up appointments for interviews. The Board discussed the residency requirement but will need to confer with Civil Service if they can require a candidate to move into the Town of Pendleton within one year rather than the current 6 months.

Assessor Coughlin reported to the Board that the County has increased the income limits for the Aged Exemption and the Disability Exemption. She asked the Board if they wanted to increase the Town's limits too. It was determined that she will figure out the percentage of increases that the County raised the limits and to bring the proposed increases using the same percentage that the County used and bring it to the Board for the next meeting. A Public Hearing and a Local Law will be required.

Councilman Ostrowski reported that he had a meeting with the County's Public Works Commissioner and Seth from C & S Engineers regarding the possibility of a cantilever bridge on the Lockport/Robinson Road Bridge over the Canal. It was determined that the cantilever bridge was not a feasible alternative at this time. They did discuss other options in the future and possible grant funding to bring the Town's Trails to the State's Trails.

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Water-Sewer Superintendent Argo reported that a Fire Hydrant was hit on Bear Ridge Road. It will need to be replaced at a cost of \$2,500.00 but the Insurance Company will reimburse the Town.

Motion by Councilman Leible, seconded by Councilman Ostrowski, at 8:11 P.M. to adjourn to Executive Session for Personnel reasons with Attorney Joerg and Water-Sewer Superintendent Argo. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session and the Work Session at 8:32 P.M.

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Terry J. Pienta, Town Clerk