

TOWN OF PENDLETON
Work Session
October 23, 2017

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 23rd day of October 2017. The meeting was scheduled for 7:00 P.M.

Supervisor Maerten opened the meeting at 7:04 P.M.

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

Terry Pienta – Town Clerk
Claude Joerg – Attorney
Tim Masters – Bldg. Department
Kelli Coughlin – Assessor
Don Bergman – Budget Officer
Jim Argo – Water-Sewer Superintendent

There were approximately eight residents in attendance.

Robert Doel told the Board that he is considering purchasing the old Wendelville Social Hall property. He shared some of the ideas he has been considering for the property. He would like to have a Farmer's Market during the weekends and possibly one day during the week, eventually he would like to update the existing buildings to accommodate an upscale banquet hall and a gazebo. His long term vision is to have something similar to Banchetti's in Amherst with indoor and outdoor events. A couple of concerns discussed were parking and noise. His plans for outdoor activities would start around 5:30 PM and would be over by 9:30 or 10:00 PM. He plans to add a small area for parking that would accommodate about 60 cars. The existing parking lot at the other end of the property accommodates 25 to 30 cars. He also plans to talk with the church and the Wendelville Fire Hall to use their parking lots during some of the events. Building Inspector Tim Masters said that he has met with John Lavrich from the Planning Board and because Mr. Dole does not have plans to change the buildings a site plan may not be required, the final decision will be made by the Joe McCaffrey. The current zoning for the property (light commercial) does allow for this type of business.

Tom Thompson from the Veteran's Association had a couple of questions regarding the updated agreement with the Town for the proposed memorial. He asked if a time frame could be included in the agreement (example two or three years) for completion before being required to turn over any excess funds. Once the money is turned over to the Town and the monument is complete, they would like for the agreement to include that the Veteran's Association's liability was over. The final concern the Veteran's had was the location where they can place the monument. Supervisor Maerten said it cannot be determined until a decision is made whether to expand the existing court or build on at the end of the building.

The Board will be reviewing the architect's suggestions/design when the budget process is complete. Attorney Joerg will make the changes in the agreement that was discussed.

Building Inspector, Tim Masters updated the Town Board about a couple of recent complaints regarding a business located on Aiken Road. He has reviewed the situation and the owner does have an Ag certificate and proper electric inspections were completed. There were some complaints about some signs but he has addressed that issue. He will propose some changes to the Town's Code regarding signage at the Public Hearing that is scheduled for November 13th. He also updated the Board about the property maintenance issue on Irish Road. He and Jack met with the owner at the house and they continue to work on the various concerns. He is trying to get a transcript of the proceedings when she was granted the variance from the state allowing her to continue as a "farm". At this point he can only address the maintenance issues of the home itself and not the height of the grass in the front yard. Another item discussed was complaints about chickens. Most of the complaints he receives are about roosters and chickens that are not contained on the owner's property. He has been reviewing local Towns codes for chickens. His other concern is the department's process of issuing violations. The current procedure for most violations is that the violator be issued three warnings before they can take the issue to Court. At time the Court gives them an additional

extension. He would like the process to be changed so that the owner is given one violation and they have 30 days to comply. It was determined that the Building Department should meet with the Prosecutor to have a better understanding on both sides of the issue.

Supervisor Maerten reported that if the health insurance renewal date for the non-union employees was changed from January 1, 2018 to December 1, 2017 the Town would save a considerable amount of money for the next year.

RESOLUTION 182 – 17

CHANGE RENEWAL DATE FOR HEALTH INSURANCE

Motion by Councilman Fischer, seconded by Councilman Ostrowski, he following resolution was

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski
 Nays 0

Resolved to authorize the change for the renewal date for the health insurance for the non-union employees from January 1, 2018 to December 1, 2017.

RESOLUTION 183 – 17

SEQR TYPE 2 FOR FISK ROAD REHABILITATION

Motion by Councilman Ostrowski, seconded by Councilman Fischer, he following resolution was

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski
 Nays 0

WHEREAS, the Town of Pendleton Town Board is considering the rehabilitation of approximately 1.99 miles of Fisk Road involving pavement restoration, surfacing and associated improvements to existing drainage facilities; and

WHEREAS, an Initial Project Proposal describing the proposed improvements dated March 2017 has been prepared by GHD and submitted to the New York State Department of Transportation; and

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WHEREAS, the New York State Department of Transportation approved the Initial Project Proposal on April 13, 2017 and recommended the proposed action be classified as a Type 2 action under SEQRA, and

WHEREAS, the Town concurs with NYSDOT's recommendation and determines the project is a Type 2 Action pursuant to 6 NYCRR 617.5(c)(4) as it involves the rehabilitation and repaving of a Fisk Road not involving the addition of new travel lanes or drainage facilities.

NOW THEREFORE BE IT RESOLVED that this project has been determined not to have a significant impact on the environment and is not subject to further review under SEQRA.

Clerk Pienta reported that she received the renewal agreement from Tru-Green Lawn Service. The price increased slightly (2%) and if the Town prepaid for the 2018 season there would be a slight savings. It was determined to renew for 2018 and to report to the Board the savings if the Town prepays the entire amount.

Assessor Kelli Coughlin reported that the developer for the Meadows has refused to pay their school tax bill. The developer claims that the sale took place on February 8, 2017 but the deed was not filed with the County until March 20, 2017. March 1 is Taxable Status Date so the Town's records show that the owner is the developer. The road dedication did not take place until March 13th and that was contingent on a couple of items to be completed. The Building Department was told not to issue Building Permits until they received the go ahead from Superintendent Stowell or Engineer Britton that the items were completed, and that did not happen until late March or early April. Attorney Joerg will look into it further and will mail a letter to the developer on his findings.

Councilman Ostrowski brought up the subject of overnight lighting in the park. Councilman Leible said Water-Sewer Superintendent Argo has looked the situation over and they are hoping to take care of the situation next year.

Budget discussions will follow the meeting.

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

Terry J. Pienta, Town Clerk