

TOWN OF PENDLETON
May 14, 2018

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 14th day of May, 2018 at 7:00 P.M.

PUBLIC HEARINGS

Supervisor Maerten opened the Public Hearings at 6:59 P.M.

The notices for the Public Hearings were published in the Lockport Union Sun & Journal on May 7, 2018 and on the Town's website.

PUBLIC HEARING #1 – SANITARY SEWER DISTRICT No. 5 – HERITAGE LANDINGS

The purpose of the Public Hearing is to give the town residents the opportunity to voice their concerns regarding the proposed dissolution and discontinuance of Sanitary Sewer District No. 5 – Heritage Landings in the Town of Pendleton, Niagara County, New York, pursuant to Town Law §202-C (2). Attorney Joerg explained the history of the sanitary sewer district and the reason behind this proposal.

There were no public questions or comments.

Motion made by Councilman Leible, seconded by Councilman Fischer, to close Public Hearing #1 at 7:04 P.M. Motion carried.

PUBLIC HEARING #2 – SEWER IMPROVEMENTS

The purpose of the Public Hearing is to give the town residents the opportunity to voice their concerns regarding the proposed "Sewer Improvements" created by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, §209-q of the Town Law to service the following three [3] specified subdivisions in the Town of Pendleton: Old Orchard Estates, The Meadows and Bear Ridge Estates. Attorney Joerg reported that the intention of the proposed resolution is to correct the resolution [RESOLUTION 75-06] made on April 25, 2006 regarding Sewer District No. 1 – Bear Ridge Estates, Sewer District No. 2 – The Meadows and Sewer District No. 3 – Old Orchard by changing the term "sewer district" to "sewer improvement area".

There were no public questions or comments.

Motion made by Councilman Leible, seconded by Councilman Graham, to close Public Hearing #2 at 7:06 P.M. Motion carried.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:06 P.M.

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

ROLL CALL:	Supervisor Maerten	Present
	Councilman Fischer	Present
	Councilman Graham	Present
	Councilman Leible	Present
	Councilman Ostrowski	Present

Also present were:

Deborah Maurer	Town Clerk
Claude Joerg	Town Attorney
Dave Britton	Town Engineer
Kelli Coughlin	Assessor
Timothy Masters	Building Inspector
James Argo	Water-Sewer Superintendent
Don Bergman	Budget Director

Craig Walter Deputy Highway Superintendent
Mark Walter Deputy Town Supervisor

There were approximately 34 residents in attendance, 28 of which were Starpoint students.

ADDITIONS OR DELETIONS TO THE AGENDA

Items to be added to the agenda:

- Annual Stormwater Report
- Summer Help - Highway Department
- Executive Session
- Summer Help - Park Security

Items to be removed from the agenda:

- Rails to Trails

COMMUNICATIONS

Town Clerk Maurer reported that the 2018 tax collection is now complete. The Town received \$1,341,283.27 per the tax warrant and an additional \$6,150.74 in fees and penalties. She also stated that 95% of the taxes in the Town of Pendleton were collected.

Town Clerk Maurer also informed the Board that the Pendleton Veterans Association will be holding its Annual Flag Sale May 18th and 19th at the Historical Society log cabin. There will also be a Memorial Day Wreath Laying Ceremony on Monday, May 28, 2018 at 11:00 A.M. in the Town Hall parking lot. She encouraged all to attend.

Shirley Raub of the Pendleton Community and Business Association presented a check to the Town Board from Niagara County for \$2,000.00. The Town Board voted at a previous meeting to match the award, which is an annual grant for business promotion in the Town of Pendleton. This year's funding will go towards the placement of a historically accurate sign on the Old Highway Garage, which originally served as a train station.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

There were no public remarks or comments.

ROUTINE BUSINESS

RESOLUTION 96-18

APPROVAL OF MINUTES

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski

 Nays 0

Resolved that the minutes of the Work Session on March 26, 2018, Regular Meeting on April 9, 2018 and Work Session on April 23, 2018 be approved as submitted by the Town Clerk.

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

General Fund	\$	60,163.86
Highway	\$	29,660.95
Water	\$	39,538.73
Sewer	\$	6,854.29
Refuse	\$	34,866.83
Fire Protection District	\$	129.60

OTHER REPORTS

Supervisor Maerten also reported that the tax collected for March, 2018 was \$142,868.55. This is a decrease of \$3,442.68 when compared with March, 2017. The year to date received is \$380,211.21 which is a decrease of \$3,156.56 from 2017.

Supervisor Maerten made some additional remarks regarding: the Town looking for summer help for security in the park, a Safe School Meeting he attended recently and the great job that the volunteers from Mason's Mission did when cleaning up the new playground. He also repeated the information regarding the Memorial Day Wreath Laying Ceremony encouraging people to attend and spoke about a proposed industrial scale solar project to be located partially in the Town of Pendleton and partially in the Town of Cambria.

Councilman Leible reported that the Water/Sewer Department completed the Workplace Violence training as requested by the Town Clerk. He also informed the Board that the Town Hall parking lot will be sealed and striped on May 19, 2018. The fireworks are all set for the July 4th celebration. Finally, he mentioned that the Town newsletter articles for the summer edition are due on May 25, 2018.

Councilman Fischer read the Highway report submitted from Superintendent Stowell. He reported that: in April they worked on drainage at the park, collected brush, mowed parks and soccer fields, groomed the ball diamonds, put up soccer nets and benches and repaired plow damage. They also provided shared services by hauling millings for the Town of Cambria. He commended the volunteers that worked on Mason's Mission clean-up and talked about the garage painting project. Councilman Fischer stated that he completed the Length of Service Award Program (LOSAP) audit for Wendelville Fire Company and spoke about the Lakeview Animal Sanctuary. They are celebrating their 35th year in existence. They are looking for volunteers and are also holding a fundraiser on August 18th and 19th.

Councilman Ostrowski began by complimenting the Highway Department on the excellent job they did getting the fields ready for this year's baseball/softball season. He reported that soccer and flag football are now underway. The Pendleton Athletic Booster Association (PABA) has begun the registration process for fall football and cheerleading. Councilman Ostrowski also stated that he has completed the audit of the Town Clerk and reported that everything was very well organized. Lastly, the last day to register for the Summer Recreation Program is May 17, 2018.

Councilman Graham reported that the carousel for Mason's Mission has been ordered. The bathrooms are still in the works. He also told the Board about the new coffee shop located on Campbell Boulevard called the Craft Coffee House that opened this week.

Attorney Joerg provided additional background information on why the two Public Hearings were necessary. The Office of the NYS Comptroller completed an audit on the Town's sewer districts requiring corrective action. The corrective action that the Town will take is outlined in the resolutions that were discussed during the Public Hearings. He also commented briefly on the purpose of the release that the Town requires for the soccer and baseball programs. The release is needed to protect the Town from liability.

Engineer Britton reported that the Town held a Public Informational Meeting on the Fisk Road Project on May 8th. Approximately 16 residents attended. The residents shared their concerns and provided feedback that will be incorporated into a final preliminary design package that will be submitted to the State for review. The project is still on schedule and construction is expected to begin the middle of 2019. He also stated that the Planning Board will be holding a Public Informational Meeting on May 15, 2018 to consider Preliminary Plat Approval for the Meadows at Pendleton North Major Subdivision.

DEPARTMENT HEADS

Building Inspector Masters reported that there were 29 building permits and 15 contractor licenses issued in April. The Building Department conducted 22 visual on-site inspections and sent 12 violations. They have been working with residents regarding drainage concerns. Building Inspector Masters stated that he is still working on getting the proposal together for the Light Commercial Zoning and hopes to have it ready by the end of May.

Water-Sewer Superintendent Jim Argo read the Water-Sewer Department report for April. The Sewer Department had 15 regular time and four overtime sewer calls, two pressure sewer break repairs and one total grinder pump update. They completed 21 underground utility stakeout requests, repaired a check valve issue at the Pendale Pump

Station, emptied the electronic recycling and began restoring lawns from previous sewer breaks. The Water Department completed the quarterly meter reading, replaced two meter readers, performed five final water reads, and did three sold home water/sewer compliance inspections. A fire hydrant was repaired, two new home water meters were installed and water was turned on in the Town Park. They also completed water flow tests in the Lockport Road area, finalized the Annual Water Quality Report and the Annual Storm Water Report. Superintendent Argo also read the results of the online auction that are reported below with RESOLUTION 107-18.

Assessor Coughlin reported that she had 14 informal hearings regarding the raised assessment values that were assigned for new additions or installation of egress windows. She stated that Stephanie Chase has taken two Civil Service exams related to the Assessor's Office. This could potentially enable her to take some training courses that would be very helpful for the office. The 2018 Tentative Assessment Roll was turned in and is posted on the Town's website. Grievance Day will be held on May 22, 2018 in the Court Room. She also created the 2019 Tax Roll. She received grievance applications for two businesses in the Town. She also reported that the 2020 Census data was received and that she has started working on this project.

Budget Officer Bergman informed the Board that he is getting ready to start the 2019 Budget.

NEW BUSINESS

RESOLUTION 97-18

PAINTING OF OLD TOWN GARAGE

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

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to allow an Eagle Scout to move forward with the project of painting the Old Town Garage.

RESOLUTION 98-18

PENDLETON FARM AND HOME DAYS REQUEST

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 1 Leible

Resolved to grant the Pendleton Farm and Home Days 501(c)(3) \$13,700.00 for the purpose of ensuring rides for this year's event.

RESOLUTION 99-18

NYS THRUWAY AUTHORITY E-ZPASS ON-THE-GO RETAIL SALES PROGRAM

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

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

WHEREAS, the Town Clerk's office will purchase E-ZPass tags through the New York State Thruway Authority's E-ZPass On-the-Go Program; and

WHEREAS, the Town Clerk's office will purchase E-ZPass tags for the cost of \$21.00 per tag from the Thruway Authority and sell the tags at a cost of \$25.00 per tag, allowing the Town to keep \$4.00 per sale; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pendleton hereby authorizes the Town Clerk's Office to enter into an agreement with the New York State Thruway Authority to sell E-ZPass tags provided all legal requirements are complied with, and; be it further

RESOLVED, that the Town Board of the Town of Pendleton hereby authorizes the Town Clerk's Office to purchase one case of 25 E-ZPass tags at the cost of \$21.00 per tag for a total of \$525.00.

RESOLUTION 100-18

ON-LINE DOG LICENSING SOFTWARE

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to allow the Town Clerk to purchase the Online Dog License Renewal System from Business Automation Services, Inc. (BAS) at the cost of \$500.00 for software plus \$300.00 for an annual hosting, support and maintenance fee for a total cost of \$800.00.

RESOLUTION 101-18

DECLARE MISCELLANEOUS SURPLUS – ELECTRONIC ITEMS AND HIGHWAY EQUIPMENT

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

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to declare the following equipment as surplus: five obsolete cell phones, a 1998 Chevrolet 2500 4WD pick-up truck with plow (VIN#1GCGK24R6WE227041) and a 2002 Salco Wood Chipper (VIN#02022200100521125).

RESOLUTION 102-18

SANITARY SEWER CONNECTION REQUEST – 6448 S. TRANSIT ROAD

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

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to permit the Supervisor to request approval for connection to the Niagara County Sewer District (NCSD) No. 1 Manhole No. 3-21 at 6448 S. Transit Road.

RESOLUTION 103-18

SEWER IMPROVEMENTS

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

“A Resolution Entitled “Sewer Improvements” created by the TOWN BOARD of the Town of Pendleton Pursuant to Article 12-C, Section 209-q of the Town Law”

WHEREAS, the TOWN BOARD of the Town of Pendleton conducted a PUBLIC HEARING on May 14, 2018, to discuss the following “Sewer Improvements” created by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, Section 209-q of the Town Law to service the following three [3] specified subdivisions in the Town of Pendleton:

1. OLD ORCHARD ESTATES: which is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate, lying and being in the Town of Pendleton, County of Niagara, and State of New York and being part of Lot 84, Township 13, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point in the centerline of Meyer Road (66' wide) Five Hundred Forty-one and 20/100 (541.20) feet distant westerly of the east line of Lot 84 measured perpendicular thereto, said point being the northeast corner of Sublot 7 of Micro Film Book 2155 of Maps at page 197 as Filed in the Niagara county Clerk's Office.

THENCE southerly along the east line of Sublot 7 a distance of Three Hundred (300.00) feet to the southeast corner of Sublot 7 and the true point of beginning;

THENCE continuing southerly along the west line of lands conveyed to A.T. Ramsdell in Liber of Deeds 16 at Page 210 a distance of Fourteen Hundred Sixty-nine and 88/100 (1469.88) feet to an angle point;

THENCE continuing southerly at an interior angle of 180 degrees 44'-10" and along the west line of said Ramsdell Lands a distance of Seventeen Hundred Eighteen and 03/100 (1718.03) feet to a point in the south line of Lot 84;

THENCE westerly along the south line of Lot 84 a distance of Twelve Hundred Forty-six and $19/100$ (1246.19) feet to the southwest corner of lands conveyed to Michael Sciandra in Liber of Deeds 2155 at Page 197;

THENCE northerly along the west line of said lands of Michael Sciandra a distance of Thirty-six Hundred Seventy-two and $93/100$ (3672.93) feet to the southwest corner of Sublot 1 of Micro Film Book 2155 of Maps at Page 197 as filed in the Niagara County Clerk's Office;

THENCE easterly along the south line of Sublots 1 and 2 of said Micro Film Book 2155 at Page 197 a distance of One Hundred Sixty-two and $12/100$ (162.12) to an angle point;

THENCE southeasterly along the south line of Sublots 2, 3, 4 and 5 to the southeast corner of Sublot 5;

THENCE northerly along the east line of Sublot 5 a distance of Two Hundred Fifty (250.00) feet to a point in the centerline of Meyer Road (66' wide);

THENCE southeasterly along the centerline of Meyer Road a distance of Eighty-five and $89/100$ (85.89) feet to a point;

THENCE southerly and parallel with the east line of Sublot 5 a distance of Three Hundred Seventy-six and $27/100$ (376.27) feet to a point;

THENCE easterly and perpendicular to the aforementioned line a distance of One Hundred Seventy-five and $69/100$ (175.69) feet to the southwest corner of Sublot 6;

THENCE southeasterly along the south line of Sublots 6 and 7 a distance of Two Hundred Seventy-three and $60/100$ (273.60) feet to the southeast corner of Sublot 7 and the point or place of beginning;

Containing 95.12 acres more or less.

2. THE MEADOWS: which is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Pendleton, County of Niagara, State of New York being part of Lots 74 and 75, township 13, Range 7 of the Holland Land Survey (so-called), bounded and described as follows:

Beginning at the point of intersection of the centerline of Campbell Boulevard (Campbell Boulevard being 66.0 feet wide) with the division line between lands of the City of Lockport, former Erie Lackawanna Railroad, on the north, and lands conveyed to Robert C. Brauer and Richard A. Brauer by Deed recorded in Liber 2381 of Deeds at page 298, on the south;

THENCE Northeasterly, along said division line, a distance of 85.45 feet to a point;

THENCE Southerly, through said Brauer lands, parallel with the centerline of Campbell Boulevard, distant 63.0 feet easterly therefrom measured at right angles, a distance of 77.50 feet to a point;

THENCE Westerly, through said Brauer lands, at right angles, a distance of 10.00 feet to a point;

THENCE Southerly, through said Brauer lands, parallel with the centerline of Campbell Boulevard, distant 53.0 feet easterly therefrom measured at right angles, a distance of 537.2 feet more or less to a point on the northerly line of lands conveyed to Richard and Michelle Sinnott by Deed recorded in Liber 2520 of Deeds at page 5;

THENCE Westerly, along the northerly line of said Sinnott lands, a distance of 5.0 feet to a point on the easterly line of a 15.0 foot wide easement granted to Niagara County Sewer District No. 1;

THENCE Southerly, through said Sinnott lands, through lands conveyed to Richard Sticht by Deed recorded in Liber 2516 of Deeds at page 212 and through lands conveyed to Paul and Sharlaine Depriest by Deed recorded in Liber 2421 of Deeds at page 21, along the easterly line of 15.0 foot wide easements granted to Niagara County Sewer District No. 1, parallel with the centerline of Campbell Boulevard distant 48.0 feet easterly therefrom measured at right angles, a distance of 356.8 feet more or less to a point on the southerly line of said Depriest lands;

THENCE Easterly along the southerly line of said Depriest lands being a northerly line of lands conveyed to 6655 Campbell Development Company by Deed recorded in Liber 2491 of deeds at page 285, a distance of 585.0 feet to the southeasterly corner of said Depriest lands;

THENCE Northerly along the easterly line of said Depriest lands and the easterly line of said Sticht lands, being a westerly line of said 6655 Campbell Development Company Lands, a distance of 306.76 feet to a point on the northerly line thereof,

THENCE Easterly, along the northerly line of said 6655 Campbell Development Company Lands, a distance of 2,883.30 feet to the northeasterly corner thereof;

THENCE Southerly, along the easterly line of said 6655 Campbell Development Company Lands, a distance of 1,316.04 feet to the southeasterly corner thereof;

THENCE Westerly, along the southerly line of said 6655 Campbell Development Company Lands, a distance of 3,233.30 feet to the southeasterly line of lands conveyed to Renzo and Gina Tiburzi by deed recorded in Liber 2541 of Deeds at page 176;

THENCE Northerly, along the easterly line of said Tiburzi lands a distance of 115.0 feet to the northeasterly corner thereof;

THENCE Westerly, along the northerly line of said Tiburzi lands, being a southerly line of said 6655 Campbell Development Company Lands, a distance of 230.0 feet to a point;

THENCE Southerly, through said Tiburzi lands and through lands conveyed to Ronald and Cheryl Spiak by Deed recorded in Liber 2398 of Deeds at page 262, parallel with the centerline of Campbell Boulevard, distant 53.0 feet easterly therefrom measured at right angles, a distance of 205.0 feet to a point;

THENCE Westerly, through said Spiak lands, at right angles, a distance of 53.0 feet to a point on the centerline of Campbell Boulevard;

THENCE Northerly, along the centerline of Campbell Boulevard, a distance of 2,013.6 feet more or less to the point or place of beginning containing 102.39 acres be the same more or less; and

3. BEAR RIDGE ESTATES: which is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Pendleton, County of Niagara, State of New York being part of Lot 36,38, and 83, (total area is 84.39 acres) Township 13, Range 7 of the Holland Land Survey (so Called) bounded by Bear Ridge Road to the west, lands conveyed to Warren Jacus to the Northlands conveyed to Warren and Sandra DeGlopper, Gertrude and Joseph Kelleman, and James and Kathleen Andruschat to the east, and lands conveyed to Jack F. Nirelli, Richard and Don Littlefield, and Greg and Karen Lee Metzger to the South.

WHEREAS, the "Sewer Improvement" for the OLD ORCHARD ESTATES subdivision was created and approved by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, Section 209-q of the Town Law on June 3, 2003; and

WHEREAS, the "Sewer Improvement" for the THE MEADOWS subdivision was created and approved by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, Section 209-q of the Town Law on August 5, 2003; and

WHEREAS, the "Sewer Improvement" for the BEAR RIDGE ESTATES subdivision was created and approved by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, Section 209-q of the Town Law on September 6, 2005; and

WHEREAS, private funds were used to install all sanitary sewer facilities and therefore, the facilities were constructed at no cost to the Town of Pendleton; and

WHEREAS, on April 25, 2006 resolutions were erroneously adopted by the Town Board of the Town of Pendleton, that purported to reclassify such "Sewer Improvements" created and approved by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, Section 209-q of the Town Law as "Sewer Districts" created pursuant to Article 12-A of the Town Law. Such "Sewer Improvements" were thereafter identified as:

1. Sewer District No. 3 [i.e. OLD ORCHARD ESTATES];
2. Sewer District No. 2 [i.e. THE MEADOWS];
3. Sewer District No. 1 [i.e. BEAR RIDGE ESTATES]; and

WHEREAS, the Town of Pendleton, County of Niagara, State of New York never caused the financial and/or maintenance, affairs or functions of such "Sewer Improvements" located within such subdivisions to be conducted as "Sewer Districts"; and

WHEREAS, the misclassification of such "Sewer Improvements" as "Sewer Districts" located within such subdivisions was reported to the Town of Pendleton in an April 2018 Report of Examination of the Office of the New York State Comptroller; and

WHEREAS, all persons interested were given the opportunity to speak on said Resolution; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pendleton hereby clarifies and hereby states:

1. That the "Sewer Improvements" created by the TOWN BOARD of the Town of Pendleton to service the aforementioned three [3] specified subdivisions in the Town of Pendleton were created, established and approved pursuant to Article 12-C, Section 209-q of the Town Law, sewer districts were not created for such subdivisions.
2. This Resolution shall become effective immediately.

RESOLUTION 104-18

DISSOLUTION OF SANITARY SEWER DISTRICT No. 5

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

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

**“A Resolution Entitled “The Dissolution and Discontinuance of
SANITARY SEWER DISTRICT No. 5 – HERITAGE LANDINGS
in the Town Of Pendleton, Niagara County, New York,
PURSUANT TO TOWN LAW SECTION 202-C (2)”**

WHEREAS, the TOWN BOARD of the Town of Pendleton conducted a PUBLIC HEARING on May 14, 2018, TO DISSOLVE AND DISCONTINUE SANITARY SEWER DISTRICT No. 5 – HERITAGE LANDINGS IN THE TOWN OF PENDLETON, NIAGARA COUNTY, NEW YORK, PURSUANT TO TOWN LAW SECTION 202-C (2).

WHEREAS, a map, plan and report dated March 17, 2014 prepared by Advanced Design Group, was 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 request for 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-A of the Town law; and

WHEREAS, it was 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 subdivision was 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 in Liber 957 of deeds at 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 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 ± 89.859 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; and

WHEREAS, private funds would have been used to install all sanitary sewer facilities and therefore, the facilities would have been constructed at no cost to the Town of Pendleton; and

WHEREAS, more than three [3] years have elapsed since April 14, 2014, the date of the approval by the Town Board of the Town of Pendleton for the establishment of **SANITARY SEWER DISTRICT No. 5 - HERITAGE LANDINGS** and no improvement has been constructed or service provided for such proposed district at any time since the approval by the Town Board of the Town of Pendleton for the establishment thereof and further there is no indebtedness of the Town of Pendleton, outstanding and unpaid, incurred to accomplish any of the purposes of such proposed district; and

WHEREAS, all persons interested were given the opportunity to speak on said Resolution; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pendleton hereby:

1. Dissolves and Discontinues **SANITARY SEWER DISTRICT No. 5 - HERITAGE LANDINGS** in the Town Of Pendleton, Niagara County, New York, pursuant to those provisions set forth in TOWN LAW SECTION 202-C (2).
2. This Resolution shall become effective immediately.

RESOLUTION 105-18

ANNUAL STORMWATER REPORT

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

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to authorize the Supervisor to sign and submit the annual Stormwater Report.

RESOLUTION 106-18

HIGHWAY DEPARTMENT SUMMER HELP

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

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to hire Quinn Gross-Baes and Nathaniel Mascellino as seasonal employees for the Highway Department.

RESOLUTION 107-18

ONLINE AUCTION ITEMS

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

ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to accept the following online auction bids for surplus equipment:

- \$12,100.00 – 2008 Ford F350
- \$410.00 – Kohler Generator
- \$370.00 - Kohler Generator
- \$130.00 - Kohler Generator
- \$200.00 – 2” Water Pump
- \$62.50 – Homelite Generator
- \$21.00 – Gas Monitor
- \$52.50 – Pipe Rack

PUBLIC REMARKS/COMMENTS

A resident informed the Board that the Buffalo Niagara Water Keepers will be conducting water sample testing on Tonawanda Creek and Ransom Creek in the next week.

BOARD MEMBERS DISCUSSION

The May work session was not scheduled. Date to be determined.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn to Executive Session with the Town Attorney, to discuss possible disciplinary action of a Highway Department employee, at 8:20 P.M. Motion Carried.

Motion by Councilman Ostrowski, seconded by Councilman Fischer, to adjourn from the Executive Session and Regular Meeting at 8:55 P.M. Motion carried.

Deborah K. Maurer, Town Clerk