

TOWN OF PENDLETON
WORK SESSION
October 28, 2019

A Work Session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on October 28, 2019. The meeting was scheduled for 7:00 p.m.

Supervisor Maerten, Councilman Fischer, Councilman Graham and Councilman Leible were present. Councilman Ostrowski was absent.

Also present:

Deborah Maurer – Town Clerk
Claude Joerg – Town Attorney
Jeff Stowell – Highway and Water/Sewer Superintendent
Dave Britton – Town Engineer
Kelli Coughlin – Town Assessor
Don Bergman – Budget Officer
Rita Dispenza – Water Billing Clerk
John Higgins – Planning Board Administrative Assistant
Craig Walter – Deputy Highway Superintendent

Additionally, the Niagara Falls Military Affairs Council (NIMAC) was represented by Chairman John A. Cooper Sr. and Director Joel D'Aloise.

There were no residents in attendance.

Niagara Military Affairs Council (NIMAC) Presentation

Supervisor Maerten welcomed Mr. Cooper and Mr. D'Aloise to the meeting. Mr. Cooper proceeded by giving a presentation to educate the Board on the importance of the Niagara Falls Air Reserve Station (NFARS). He explained that the mission of NIMAC is to support the growth and prosperity of the NFARS by creating a positive economic impact on our community. The presentation highlighted the impact NFARS has made on Western New York. The military investment from recent years and the future of NFARS were also discussed. Mr. Cooper explained that NIMAC relies on local support in addition to the State funding they receive. They already have relationships with many local municipalities and are asking for support from the Town of Pendleton.

Next, Supervisor Maerten, Budget Officer Bergman and Engineer Britton discussed the status of the final invoice payments and reimbursements for the Rails to Trails and Fisk Road Rehabilitation projects. It was decided at this time to add Voucher #11350 to Abstract #20, payable to Clark Patterson Lee (CPL), in the amount of \$121,892.80, to be paid on October 30, 2019.

RESOLUTION 268-19

APPROVAL OF REVISION TO ABSTRACT #19

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Leible

Nays 0

Absent 1 Ostrowski

Resolved to approve revised Voucher Abstract #19, Vouchers #11185 – 11295, that was paid on October 16, 2019

General Fund*	\$	80,383.21
Highway	\$	702,532.43
Refuse	\$	38,465.64
Sewer	\$	3,452.10
Water	\$	75,033.79
Trust & Agency	\$	9,936.00
Total	\$	909,803.17*

*Voucher #11292, in the amount of \$188.97, was not previously included in the total

RESOLUTION 269-19

AUTHORIZE PAYMENT OF ABSTRACT #20

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Leible

Nays 0

Absent 1 Ostrowski

Resolved to authorize payment of Voucher Abstract #20, Vouchers #11296 – 11350, to be paid on October 30, 2019

General Fund	\$	13,530.42
Highway	\$	158,230.28
Fire Protection	\$	162,091.00
Refuse	\$	989.23
Sewer	\$	250.45
Water	\$	4,300.58
Total	\$	339,391.96

A discussion took place regarding potential revisions to the winter parking ban hours outlined in Town Code § 235-4A(2). The Highway Department would like to change the times of the ban to better accommodate the plowing of snow.

RESOLUTION 270-19

SCHEDULE PUBLIC HEARING – REVISIONS TO § 235-4 GENERAL PROVISIONS

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Leible

Nays 0

Absent 1 Ostrowski

Resolved to schedule a Public Hearing for the proposed revisions to § 235-4 General Provisions on November 11, 2019 at 6:45 p.m.

RESOLUTION 271-19

SCHEDULE PUBLIC HEARING – STORMWATER DISTRICT FEE

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Leible

Nays 0

Absent 1 Ostrowski

Resolved to schedule a Public Hearing to allow public input on the proposed Stormwater District Fee on November 11, 2019 at 6:40 p.m.

Engineer Britton informed the Board that the culvert construction project on Tonawanda Creek Road is scheduled to begin next week.

Attorney Joerg provided an update to the Borrego Solar Systems, Inc. project. The Planning Board has given Borrego approval for their project. Mr. Joerg provided a bond to Borrego for their review and approval. Borrego returned the bond with multiple modifications. Attorney Joerg read through the revised bond. This bond contained the name Pendleton Solar 1, LLC, instead of Borrego Solar Systems, Inc. Also, the terms and conditions included in the new bond do not comply with those given with the Planning Board's approval or with Town Code. Attorney Joerg and the Town Board did not approve of the modifications made to the bond. A lengthy discussion also occurred regarding the Payment in Lieu of Taxes (PILOT) request for this project.

RESOLUTION 272-19

BORREGO SOLAR PROJECT DECOMMISSIONING BOND

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Leible

Nays 0

Absent 1 Ostrowski

Resolved to reject the decommissioning bond as presented by Pendleton Solar 1, LLC for the Borrego Solar Project, per letter dated October 22, 2019.

Additional Discussion

Supervisor Maerten informed the Board that Pendleton resident, David Naus, was appointed as an ad hoc public member to the New York State Board on Electric Generation Siting and the Environment that is in charge of reviewing the proposal from Cypress Creek Renewables for the Bear Ridge Solar project.

Motion made by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Work Session at 8:30 p.m. Motion carried.

A Budget Session immediately followed the Regular Meeting.

Deborah K. Maurer, Town Clerk