

TOWN OF PENDLETON
FEBRUARY 2, 2010

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 2nd day of February 2010.

Supervisor Riester called the meeting to order at 8:04 P.M.
Supervisor Riester read the invocation and led the salute to the flag.

ROLL CALL: Supervisor Riester present
Councilman Harman present
Councilman Frawley present
Councilman Leible present
Councilman Morrison present

Also present were:

Jeff Stowell Highway Superintendent
Dave Britton Town Engineer
Karen Manning Assessor

There were approximately 10 residents.

ROUTINE BUSINESS

Supervisor Riester reported that year end reports for Justice Maziarz and Justice Murphy Water/Sewer Superintendent Argo, and the Water Bill Report are on file in the Town Clerk's Office. The audit for Judge Murphy is also complete and on file in the Clerk's Office..

RESOLUTION 25-10

APPROVAL OF MINUTES

Motion by Councilman Morrison, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved that the minutes of the previous meeting held January 5th be approved as submitted by the Town Clerk.

Supervisor Riester reported the total expenditures that were authorized and paid in the month of January.

General Fund	\$ 133,713.96
Highway Fund	\$ 81,981.62
Sewer	\$ 25,158.11
Water	\$ 59,668.21
Refuse	\$ 33,394.64
Trust & Agency	\$ 360.00
Fire	\$ 267,211.78

OTHER REPORTS

Supervisor Riester reported for the month of December, sales tax collected was \$121,815.19. This is compared to \$135,129.41 for December 2008, a decrease of \$13,314.22. The sales tax received for 2009 was \$1,289,397.78. This was an increase of \$17,838.57 from 2008.

All appointments were postponed from the January 5th Town Board Meeting. Supervisor Riester made the following appointments for 2010.

Co-Historians	Ben Sobczyk	Melissa Miller
Budget Officer	Don Bergman	
Deputy Supervisor	Councilman Ed Harman	

Councilman Harman reported that Saturday February 6th was the last day for baseball and soccer registration.

Councilman Leible reported that five permits were issued, four were for new homes. He also reported that there were three violations for property maintenance issued in January. A total of six violations remain outstanding.

Councilman Morrison reported he will be reviewing the health insurance carriers for town employees and will be soliciting from several different companies.

RESOLUTION 26-10

ATTORNEY FOR THE TOWN

Motion by Councilman Harman, seconded by Councilman Frawley, the following resolution was

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to retain the services of Andrea Sammarco as Attorney for the Town.

ENGINEER

Engineer Dave Britton had submitted a proposal to the Town Board for engineering support to the Town's appointed Storm Water Management Officer for 2010 at a fixed rate of \$91.00 per hour as needed.

RESOLUTION 27-10

MS4 SUPPORT FOR 2010

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

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to accept CRA's proposal for support services to assist the Town's Storm Water Management Officer for 2010 at \$91.00 per hour of assistance when needed.

RESOLUTION 28-10

UPDATE ZONING MAPS

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

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to authorize Engineer Britton to update the Town's Zoning Map and provide copies of the updates as follows; 7 copies of 36' x 48' and 50 copies of 22' x 30' for sale to the residents and developers for \$8.00 each.

RESOLUTION 29-10

STORM WATER MANAGEMENT REVIEW-FEE SCHEDULE

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

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to adopt and amend the Town Code Fee Schedule to include the Storm Water Management Fees as follows:

131-5 Storm Water Management Fees:

A. Fees for land development activities. Any applicant submitting a SWPPP to the Town for land development activity or land disturbance requiring a NYSDEC SPDES Construction Permit shall submit a fee to the Town bases upon the acreage of the entire development in accordance with the following:

Acreage of Entire Development	SWPPP Review Fee
Under 5 acres	\$500
5 to 10 acres	\$850
Over 10 Acres	\$\$850 + \$300 for every 5 acres above 10 acres

Acreage of Entire Development	Inspection Fee
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Under 5 acres	\$2,000
5 – 10 acres	\$3,400
Over 10 acres	\$5,900

B. For all land development activities to be completed in multiple phases over time, the applicant in addition to the fee provided above in Section A, shall pay the Town an additional \$500 for

each subsequent phase after the first phase of the project, to be paid prior to the start of construction of each subsequent phase.

The Planning Board sent a letter of recommendation for the Town Board to consider approval for the Site Plan for Thomas and Jean Class for a Day Care Center to be built on Campbell Blvd. north of Feigle Rd. The Day Care Center Site Plan proposed using a septic system for sewage disposal and had the Health Department's approval. Councilman Frawley questioned the decision to allow a septic system and not tie into the gravity sewer system. Engineer Britton explained that this particular property does not have direct access to the Niagara County Sewer trunk line and would require an easement of adjoining property to reach the trunk line.

RESOLUTION 30-10

APPROVED SITE PLAN FOR DAY CARE

Motion by Councilman Frawley, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to approve the Children's Day Care as recommended by the Planning Board and review by the Town's Engineer.

NEW BUSINESS

National Grid recently replaced a light on Aiken Rd. with a larger light fixture (250 watt high pressure sodium) than the previous light fixture. The annual increase in cost will be \$40.00. After a brief discussion the Board decided to allow the 250 watt fixture to remain on the pole.

Supervisor Riester reported to the Board that he received a proposal from Computel Consultants to review how Time Warner calculates the franchise fees the Town receives. Their proposal says that if they cannot recover a refund for the Town there would be no charge to the Town. If they do secure a refund their one time fee is 50%. The Town would keep any future revenue from their findings.

RESOLUTION 31-10

AUTHORIZE SUPERVISOR TO ACCEPT COMPUTEL CONSULTANTS PROPOSAL

Motion by Councilman Leible, seconded by Councilman Morrison, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to authorize the Supervisor to secure the services of Computel Consultants as proposed in their letter dated January 20th.

Supervisor Riester asked for a motion to correct the dollar amount approved at last months meeting for the Lockport and North Tonawanda Libraries. The amount approved was \$17,000.00 for each Library but the amount approved in the 2010 Budget was for \$18,000.00 for each.

RESOLUTION 32-10

CORRECTION FOR JANUARY 5TH MINUTES-RESOLUTION

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

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to have the minutes from the January 5th meeting reflect the correct dollar amount of \$18,000.00 to be paid to the Lockport and North Tonawanda Libraries.

RESOLUTION 33-10

NEW WENDELVILLE MEMBER

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

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to add Lena Dombrowski of Meyer Rd. to the roster of Wendelville Volunteer Fire Department and to be added to the Insurance.

POSTPONED APPOINTMENTS

RESOLUTION 34 -10

APPOINTMENT FOR TOWN ENGINEER

Motion by Councilman Leible, seconded by Councilman Morrison, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint CRA Infrastructure & Engineers as the Town Engineers and that Dave Britton is their representative.

RESOLUTION 35-10

APPOINTMENT FOR PART TIME BUILDING INSPECTOR

Motion by Councilman Leible, seconded by Councilman Frawley, the following resolution was ADOPTED: Ayes 4 Frawley, Harman, Leible, Morrison
Nays 1 Riester

Resolved to appoint Jack Striegel as part-time Building Inspector.

RESOLUTION 36-10

APPOINTMENT PLANNING BOARD, 7-YEAR TERM

Motion by Councilman Leible, seconded by Councilman Frawley, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Jim Furey for a 7-year term on the Planning Board.

RESOLUTION 37-10

ZONING BOARD OF APPEALS

Motion by Councilman Frawley, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Jim Meholick for a 5-year term on the Zoning Board of Appeals.

RESOLUTION 38-10

APPOINTMENT FOR CONSERVATION BOARD

Motion by Councilman Leible, seconded by Councilman Morrison, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Val Janik and Mary Scheeler for a 2-year term on the Conservation Board.

RESOLUTION 39-10

APPOINTMENT FOR RECREATION COMMITTEE

Motion by Councilman Leible, seconded by Councilman Morrison, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Mark Ruppert for a 7-Year Term and Michelle Brady for a 1 Year Term to the Recreation Committee.

RESOLUTION 40-10

DOG CONTROL OFFICER

Motion by Councilman Leible, seconded by Councilman Frawley, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Bill Torissi as Dog Control Officer.

RESOLUTION 41-10

TOWN PROSECUTOR

Motion by Councilman Leible, seconded by Councilman Morrison, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Ned Perlman as the Town's Prosecutor for the year 2010.

RESOLUTION 42-10

APPOINTMENT FOR INVESTIGATOR OF BINGO LICENSES, RECORDS MANAGEMENT OFFICER, AND REGISTRAR OF VITAL STATISTICS

Motion by Councilman Leible, seconded by Councilman Morrison, the following resolution was ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Town Clerk, Terry Pienta as Investigator of Bingo Licenses and Games of Chance, Record Management Officer, and Registrar of Vital Statistics.

RESOLUTION 43-10

APPOINTMENT FOR PLANNING BOARD CHAIRMAN

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

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Joe McCaffrey as Chairman for the Planning Board.

RESOLUTION 44-10

ADMINISTRATIVE ASSISTANT FOR THE PLANNING BOARD

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

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Joe Kania as Administrative Assistant for the Planning Board.

RESOLUTION 45-10

ZONING BOARD OF APPEALS CHAIRMAN

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

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Wolfgang Buechler as Chairman for the Zoning Board of Appeals.

RESOLUTION 46-10

CONSERVATION BOARD CHAIRMAN

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

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to appoint Val Janik as Chairwoman for the Conservation Board.

PUBLIC REMARKS/COMMENTS

Val Janik from the Conservation Board reported to the Board to authorize an additional \$750.00 for the chamber to be installed underground at the Lockport Road trailhead. The Town Board previously authorized spending up to \$6,500.00 on October 20, 2009. (Resolution 140-09)

RESOLUTION 47-10

AUTHORIZE ADDITIONAL EXPENSE FOR THE TRAILHEAD AT LOCKPORT ROAD

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

ADOPTED: Ayes 5 Riester, Frawley, Harman, Leible, Morrison
Nays 0

Resolved to authorize the additional cost of \$750.00 for the chamber that will be installed at the Trailhead on Lockport Road.

A resident asked about the Town's appeal to FEMA for the proposed Flood Plain. Engineer Britton said that they were updating the hydraulic model and will forward it to FEMA by March.

A resident asked how the Town will pay for the Town's share of the grant for replacement of the grinder pumps. Supervisor Riester said that there is money in the Sewer Reserves and if the replacements were spread out over five years the Town would be adding to the reserves each year and hope to "pay as they go" and they won't need to borrow any money.

Superintendent Stowell reported that the latest information he has received is that the CHIPS money the Town receives may have a slight increase this year.

Regular Meeting
February 2, 2010

BOARD MEMBERS DISCUSSION

Motion by Councilman Morrison, seconded by Councilman Frawley to schedule a Work Session for Wednesday, February 10th at 7:00 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Morrison to adjourn at 8:45 P.M. Motion carried.

Terry J. Pienta, Town Clerk