

**TOWN OF PENDLETON**  
**REGULAR MEETING**  
April 10, 2017

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 10<sup>th</sup> day of April 2017 at 7:00 P.M.

Supervisor Maerten called the meeting to order at 7:02 P.M.

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

Supervisor Maerten asked for a moment of silence for the passing of Ray Beiter. He was a Pendleton Town Supervisor, Niagara County Clerk and a seventy-five year member of the Wendelville Volunteer Fire Company.

ROLL CALL:	Supervisor Maerten	present
	Councilman Leible	present
	Councilman Ostrowski	present
	Councilman Fischer	present
	Councilwoman Jarvis	present

Also present were:

Terry Pienta	Town Clerk
Kelli Coughlin	Assessor
Claude Joerg	Town Attorney
Jim Argo	Water-Sewer Superintendent
Tim Masters	Building Inspector
Dave Kantor	Planning Board
Steve Lorenzo	Recreation Committee
Don Bergman	Budget Officer

There were approximately 18 residents in attendance.

**AMENDMENTS, ADDITIONS, DELETIONS**

**COMMENTS ON AGENDA ITEMS**

Sara Siracuse asked if the Town had decided on the purchase of two or three AEDs. The Town will be purchasing two AEDs at this time.

Kim Lemeaux from the Pendleton Action Group thanked the Town Board for their continued support and standing with them in the opposition to the National Fuel compressor project. She acknowledges that this is not the end of the project and hopes that the Board will continue their support. Supervisor Maerten said he appreciated hearing that but also thanks the action group for their continued effort and the time they spent attending the meetings and hearings.

Attorney Claude Joerg asked everyone to stay as vigilant as they have been because National Fuel is continuing to proceed with their plans in spite of the fact that the DEC did not issue them a permit for their project.

**ROUTINE BUSINESS**

RESOLUTION 78 - 17

**APPROVAL OF MINUTES**

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

ADOPTED     Ayes 5     Maerten, Leible, Ostrowski, Fischer, Jarvis  
                 Nays 0

Resolved that the minutes of the Regular Meeting held on March 13<sup>th</sup> and Work Session on March 27<sup>th</sup> be approved as submitted by the Town Clerk.

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

General Fund	\$	41,410.54
Highway	\$	51,979.47
Water	\$	16,044.77
Sewer	\$	4,693.94
Refuse	\$	35,554.31

**Supervisor Maerten** reported that the tax collected for the month of February 2017 was \$109,360.44 which is an increase of \$312.00 from February 2016. Year to date received is \$237,056.54 which is a decrease of \$3,697.28 from 2016. He also reported that he recently attended the monthly meeting with the Community Center Committee. The Town Board has placed a priority to address the security issues of the Court in the Town Hall but at that same time trying to fill the needs of the other groups in Town.

## OTHER REPORTS

**Councilman Leible** reported that he and Engineer Britton continue to work with the DEC regarding the location of the Fireworks display. The DEC has requested a map of the area and an alternate plan in case it is too wet in the area. He hopes to have more information for next month's Board meeting. He also explained that the resolution listed under "New Business" is for support for Niagara County and their request for funding for new docking facilities at the West Canal Marina. The County will apply for the money through the Greenway funds.

**Councilman Fischer** reported that the Sewer Department responded to 9 regular time sewer calls, 4 overtime calls, repaired 4 pressure sewer breaks, delivered 3 totes to new homes, inspected open water and sewer trenches for new homes, manually pumped out grinder tanks with generators when power was lost on Irish Road and Bear Ridge Road. Key Bank gave the Town the old generator that had been used in the past for the pump station located on their property. The two new employees are still being trained but are progressing very well. The Water Department reported that they repaired 1 water break on Tonawanda Creek Rd., 1 water curb box repair, replaced 2 worn out water meters, completed 7 sold home compliance inspections, 2 new home water meters installed, 5 final reads, drained ice rink, replaced steel stakes with painted stakes on all water main valves in Town and they continue to change out markers for hydrant valves, sewer valves and sewer manholes. They have completed about half of them. Councilman Fischer also thanked the Pendleton Action group for their time and effort.

**Councilwoman Jarvis** reported that the Wendelville Fire Company will have their annual Easter Egg Hunt on Saturday, April 15<sup>th</sup> at 1:00 P.M.

**Councilman Ostrowski** reported that a golf tournament will be held on May 27<sup>th</sup> that is a fund raiser for Mason's Mission. Mason's Mission is the name of the not for profit organization that is fund raising for a "special needs" park within the Town's park. PABA is also assisting in the fund raising effort.

**Engineer Britton** reported that he has been in touch with the company that was contracted to paint the interior of the water tower. The Town still has not received a bill for payment.

## DEPARTMENT HEADS

**Assessor Kelli Coughlin** reported that her office has been very busy preparing everything for the tax rolls. She mentioned that she finds this time of the year very frustrating because the Town is not at 100% assessed value. She cannot place a true value on the new homes being built but must assess the homes comparable to the sales from 2006 which was the last time the Town had a reassessment. She has been driving around Town gathering information from past building permits for the tax roll, and noticed her files had a lot of permits that had expired. She anticipates that the new software program the Building Inspector hopes to purchase in the future will definitely help her records too.

**Water-Sewer Superintendent Jim Argo** reported that the annual water quality report is completed and is posted on the Town's website and posted on the bulletin boards at both the Town Hall and Public Works.

**Building Inspector Tim Masters** reported that 24 Building Permits were issued for the month of March, there are 173 Contractors licenses in Town as of March 31<sup>st</sup>. He also reported that he did 25 onsite inspections to verify progress. He has been updating his forms and they will be uploaded to the Town’s website.

**Recreation Committee Chairman Steve Lorenzo** reported that the roof on one of the shelters in the park will be replaced this year by members of the Lions Club. They are donating their time for the project and the Town will pay for the materials. The savings to the Town is estimated to be about \$7,000.00. They have also budgeted money for bird netting under the pavilion roof hoping to stop birds from building their nests on the rafters. The committee is also looking to replace some of the picnic tables in the near future and to include some ADA Compliant tables to be located next to the area that will have the new special needs playground equipment. The committee will also be getting estimates for a dog park at DePeau Park. He reported that the Family Swim program was up in attendance this year. The committee will be charging a \$10.00 an hour rate for the use of the soccer fields. Pendleton only has one team and will not be charged the fee. They have secured a \$5,000.00 grant through Senator Ortt’s Office for baseball field improvements. CNBSA has requested for authorization to place a plaque at Field #4 in honor of young Ben Wasik that recently passed away. The Summer Recreation program registration is scheduled for several days in May. The forms are on the website and can be printed out. He is requesting that the Board consider using an online program with fillable forms and to accept online payments for everything such as the Summer Rec program, water bills, rental of the pavilions, etc. He estimated that it would cost approximately \$300.00 per month. The committee will also be reviewing the Town’s 5 year recreation plan that is about 10 years old. Some items in the plan have been addressed but many have not.

**NEW BUSINESS**

Councilman Ostrowski explained that the Town Board had budgeted for the purchase of two AEDs. It was determined to purchase from Action CPR LLC from North Tonawanda for \$3,600.00. This estimate includes training for up to eight people, carrying case, pads, batteries and a seven year warranty. These defibrillators are the same type used by the Wendelville Fire Company.

**RESOLUTION 79 - 17**

**AUTHORIZE THE PURCHASE OF TWO AED’S**

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

Resolved to authorize the purchase of 2 AED’s (defibrillators) from Action CPR LLC located in North Tonawanda at a cost of \$3,600.00 that includes training for up to eight individuals.

**RESOLUTION 80 - 17**

**SUPPORT FOR DOCK IMPROVEMENTS**

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

**WHEREAS**, application is being made by Niagara County Parks for Greenway funding of the construction of boat docking improvements at Pendleton West Canal Marina & Park in the center of the Tonawanda Creek /Erie Canal Waterway Trail.

**WHEREAS**, the construction of new and improved docking facilities being located on the Tonawanda Creek / Erie Canal Waterway Trail, which trail is in the Greenway Community in Western New York, will provide much needed usage to those traveling the Tonawanda Creek/Erie Canal Waterway Trail, thereby contributing to the economic development and tourism to those communities located on the Tonawanda Creek / Erie Canal Waterway Trail, including the Town of Pendleton, and

**WHEREAS**, said new docking facilities fits into the Master Plan adopted by the Town of Pendleton, NY and moreover fits into the Local Waterfront Revitalization Program, and

**WHEREAS**, West Canal Marina & Park since its opening has been the catalyst for the renewal of economic growth in the region by drawing hundreds of local and regional Scouts Troops, Area Youth Groups and the general public in utilizing this unique park site for nature hiking, picnicking, boating , or canoeing, and

**WHEREAS**, the Town of Pendleton is desirous of supporting said application for Greenway Funding for the construction of said new docking facilities for the above reasons, and **WHEREAS**, the construction of said new docking facilities will be in the best interests of the residents of the Town of Pendleton and those traveling the Tonawanda Creek / Erie Canal Waterways Trail.

**Now, therefore, be it RESOLVED**

That the Town of Pendleton does hereby approve of and support the application of the Niagara County Parks for Greenway Funding for the construction of new docking facilities at West Canal Marina & Park, Pendleton, New York.

RESOLUTION 81 - 17

**AUTHORIZATION TO SEND TO AUCTION SURPLUS FURNITURE AND EQUIPMENT**

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

Authorization to send to auction (Auctions International) the following items; Gas Monitor, 2000 KW Generator, Water Pump, wooden desk and small server cabinet allowing for first offer for the generator and pump to the Wendelville Fire Company.

RESOLUTION 82 - 17

**INCREASE THE LIMIT ALLOWED FOR COMMUNITY PROMOTIONS/PUBLICITY**

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

WHEREAS, the Town of Pendleton hereby adopts a resolution to establish a "Town of Pendleton Publicity Fund" pursuant to the provisions of New York State Town Law Section 64 [14];

WHEREAS, New York State Town Law Section 64 [14] in pertinent part provides as follows:

*Publicity fund. a. Upon the adoption of a resolution, the town board of any town may establish a publicity fund to be expended for the purpose of . . . commemoration programs of historical events, or otherwise, . . . and for such additional purposes as may tend to promote the general, commercial and industrial welfare of the town. Such an appropriation shall not exceed the sum of twenty-five thousand dollars annually provided, however, that the town board of any town (1) upon the adoption of a resolution, subject to a permissive referendum, may appropriate an amount in excess of twenty-five thousand dollars for such publicity fund. . . . The amount appropriated shall continue to be so appropriated until the adoption of a resolution, subject to a permissive referendum, to discontinue the same.*

*c. The amount so appropriated when collected shall be paid over to the supervisor for the payment of claims incurred and after duly itemized and verified vouchers therefor have been audited by the town board.*

WHEREAS, the Town of Pendleton annually commemorates the 4th of July with fireworks, the cost to the Town of Pendleton of such fireworks display, together with incidental expenses related thereto is in the approximate amount of twelve thousand and 00/100 dollars [\$12,000.00];

WHEREAS, the Town of Pendleton intends to commemorate its one hundred and ninetieth [190th] anniversary with a celebration to be held on August 18 and 19 2017 at a cost of approximately twenty-one thousand and 00/100 dollars [\$21,000.00];

WHEREAS, in order to have the historic commemorations described above and thereby promote the general welfare of the town, the Town of Pendleton will be required to expend "Publicity Funds" in the approximate amount of thirty-three thousand and 00/100 dollars [\$33,000.00] to pay for such events;

NOW THEREFORE BE IT RESOLVED that the Town Board for the Town of Pendleton hereby establishes the "Town of Pendleton Publicity Fund" in the approximate amount of thirty-three thousand and 00/100 dollars [\$33,000.00] to pay for such historic commemorations which will thereby promote the general welfare of the Town of Pendleton; and be it further RESOLVED that such "Town of Pendleton Publicity Funds" shall be paid over to the supervisor for the payment of claims incurred and after duly itemized and verified vouchers therefor have been audited by the town board.

Supervisor Maerten reported that C & S Engineers have drawn up an agreement with the Town that changes the scope of the work to include easements for the Trail Extension to travel around the Tonawanda Sportsman Club property for future consideration for additional grants to complete the Town's trail.

RESOLUTION 83 - 17

**AUTHORIZATION FOR THE SUPERVISOR TO SIGN AGREEMENT WITH C & S ENGINEERS**

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

ADOPTED      Ayes 5      Maerten, Leible, Ostrowski, Fischer, Jarvis  
                    Nays 0

Resolved to authorize the Supervisor to sign an agreement with C & S Engineers to change the scope of the work from the original agreement as stipulated by the 2014 Rails to Trails grant (Transportation Alternative Program, TAP Grant).

**PUBLIC REMARKS AND COMMENTS**

Wolfgang Buechler asked for a clarification for the preceding authorization. Supervisor Maerten explained that when it was determined that the Town was not going to have the trail travel through the Tonawanda Sportsman's property but travel around the property, easements and Right of Ways would have to be written.

Ann Marie Reeb asked if the cost of the AEDs was a onetime cost. Councilman Ostrowski said that the company has agreed to replace the pads as they are needed so there will not be additional costs to the Town. The warranty covers the AEDs for seven years.

James Sacco questioned the increase in the Town tax for 2017. He questioned what the benefits to the Town with the increase were. Supervisor Maerten pointed out that other lines on the tax bill have actually decreased. Some resident's taxes actually went down overall. He said that the overall Town budget increased only slightly. He also pointed out that many of the Town's residents are looking to the Town to provide more from their government. There are several groups that would like a decent place to meet. Something needs to be done with the Town Court and the security issues the way the Town Hall exists right now. The Highway Department is in need of new equipment. The Town cannot continue to provide for their residents by continually cutting taxes.

A work session was scheduled for March 27<sup>th</sup> at 7:00 P.M.

Motion by Councilman Fischer, seconded by Councilman Leible, to adjourn to Executive Session for litigation, personnel and negotiations inviting the Town Attorney at 7:50 P.M. Motion carried.

Motion by Councilman Fischer, seconded by Councilwoman Jarvis, to adjourn from Executive Session at 8:52 P.M. Motion carried.

RESOLUTION 84 - 17

**FULL TIME WATER BILLING CLERK**

Motion by Councilman Leible, seconded by Councilwoman Jarvis, the following resolution was

ADOPTED      Ayes 5      Maerten, Leible, Ostrowski, Fischer, Jarvis  
                    Nays 0

Resolved to appoint Rita Dispenza to the full time Water Billing Clerk position as all requirements have been met with Civil Service.

Motion by Councilman Fischer, seconded by Councilman Leible, to adjourn to Executive Session for negotiations inviting the Town Attorney at 8:55 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from Executive Session and the Regular Meeting at 9:45 P.M. Motion carried.