

TOWN OF PENDLETON
April 11, 2016

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 11th day April 2016 at 7:00 P.M.

Supervisor Maerten called the meeting to order at 7:05 P.M.

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

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

Also present were:

Terry Pienta	Town Clerk
Don Bergman	Budget Director
Kelli Coughlin	Assessor
Claude Joerg	Town Attorney
Jim Argo	Water-Sewer Superintendent

There were approximately 15 residents and 22 Starpoint students in attendance.

ROUTINE BUSINESS

RESOLUTION 67 - 16

APPROVAL OF MINUTES

Motion by Councilman Leible, seconded by Councilwoman Jarvis, 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 14th 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	\$	40,064.27
Highway	\$	42,420.11
Water	\$	4,685.45
Sewer	\$	9,864.72
Refuse	\$	35,494.86
Trust and Agency	\$	3,799.00

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for the month of February was \$109,806.56. This is a decrease of \$758.12 from February 2015. The year to date received is \$240,753.82 which is a decrease of \$4,002.60 from 2015. Supervisor Maerten reported that the Town's annual audit has been completed and filed with the state. He also reported that the Public Employee's Safety and Health Bureau (PEOSH) conducted an inspection in October 2015. The Town has been notified of a couple of violations regarding Workplace Violence Prevention for training, record keeping, and posting of the law. All items are being addressed. A bulletin board for posting has been installed and training will be conducted before the deadline. He also reported that the Town has received a request from Empire Pipeline (National Fuel) to enter on Town property to measure and perform survey work required by the Federal Energy Regulatory Commission (FERC). He wanted it on record that the Town has not authorized their access. He also noted that they have stated that they have the right to do this work with or without the Town's permission (eminent domain). He will be attending a meeting for the Transit North Initiative on Tuesday the 12th.

Councilman Leible reported that the Recreation Committee will be having registration at the Town Hall on the following dates:

Saturday May 7 th	9:00 AM to 12:00 PM
Saturday May 21 st	9:00 AM to 12:00 PM
Thursday May 19 th	7:00 PM to 9:00 PM

He also reported that there will not be a swimming program at the Summer Recreation Program this year due to Starpoint School having work done on their pool and Niagara Community College is not available this year. He also reported that there will not be a tennis program this year but they hope to offer it to the children attending the recreation program. He announced that the Road House Grill will be a vendor for the Yahoo's Baseball Tournament that is scheduled for June 4th at the Town park and Oh Sugar will be a vendor in the Town Park for the July 4th Celebration.

Councilman Fischer reported the Sewer Department responded to 14 regular time sewer calls and 2 overtime sewer calls, 2 grinder pump updates on Meyer Road, 1 partial update completed, 6 water-sewer open trench inspections, 51 underground utility stakeouts, and bi-weekly maintenance and inspections on 3 pump stations. All water and sewer employees attended a "Dig Safely Seminar on March 24th. The Water Department installed 23 new water readers, installed new meters on 5 new homes, repaired a water main break across from Starpoint School, repaired an 18 inch main valve on Mapleton and Aiken Rd., final inspections on 5 sold homes, replaced 2 water meters, repaired a check valve that was jammed at the First Niagara pump station, replaced a pump that burned out at the Aiken Road pump station, and delivered recycling totes to new homes. He also reported that Troop 47 will be participating in the statewide "Canal Clean Sweep Weekend" on April 23rd at Nine Mile Island.

Councilwoman Jarvis reported on a couple of legislative items on the Fireman's Association of the State of New York (FASNYS) agenda for the year 2016. One item proposed is to eliminate or reduce the use of toxic chemicals in "flame retardant" furniture and require at least a 20 minute time frame before being fully engulfed in flames. Another proposed item on the agenda is to enact criminal sanctions and civil penalties for

unauthorized and illegal modifications to buildings that create hazardous conditions that endanger the welfare of first responders. She also announced that the Erie Canalway Commission and Heritage Fund are holding a Board Meeting on April 27th and the public is welcome to attend. They meet quarterly and plan and direct activities of the National Heritage Corridor. She also reported that on April 17, 1816 a bill was passed with plans to construct a canal connecting the Hudson River to Lake Erie.

Councilman Ostrowski reported that the Building Department issued 18 permits. He also reported that there were 4 violations issued for the month of March, 3 were for property maintenance issues that have not complied yet. He also announced that the next Preparedness Training by the Red Cross will be held on Wednesday the 13th. There will also be a class during the senior's luncheon on the 20th. He will also be attending the Transit North Initiative on Tuesday the 12th.

Supervisor Maerten reported that during the Work Session that will be scheduled for April 25, there will be three proposals presented for the continuation of the Town's Trails by C & S Companies that are the engineers working on the project. He also clarified a letter he had written and mailed to the residents on Fisk Road requesting letters of support for a speed limit change should have referred to both Fisk and Feigle Roads.

Engineer Dave Britton reported that he has prepared the documents for the Water Tank Painting Project with an anticipated bid opening date of June 7th. He expects a start date for the work to begin in July or August. He also reported that he anticipates that the developer for the Meadows Phase III will be submitting their PIP payment soon.

Attorney Claude Joerg reported that he has been working on a case that someone had named the town in a lawsuit because Starpoint School is located in the Town. The lawsuit has been discontinued against the Town. He also continues to be involved with National Fuel and the Attorney representing the town for the compressor issue.

NEW BUSINESS

RESOLUTION 68 – 16

GOOD SAMARITAN LEGISLATION

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

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

Whereas, when a volunteer firefighter of the Wendelville Fire Protection District provides services under the General Municipal Law §209-I and;

Whereas, when there is no jurisdictional officer in command present, such a volunteer firefighter shall be entitled to coverage under the Volunteer Firefighters' Benefit Law provided by the Town of Pendleton for the provision of such service and;

Whereas upon the arrival of a jurisdictional officer in command, such volunteer firefighter shall report to such officer and offer his/her services to assist such fire company or fire department and if such assistance is not accepted, than the volunteer firefighter of the Wendelville Fire Protection District must immediately cease providing any additional service at the scene of the emergency

Now Therefore Be It Resolved, that the Town Board of the Town of Pendleton supports this resolution granting coverage for the provision of such service.

Previously, Water-Sewer Superintendent Argo proposed a penalty of \$25.00 per month for residents that have not responded to the departments numerous requests to replace the readers to the Town owned water meters located in their homes. He explained that phone calls and letters have been used to reach the residents for the installation but there are many people that are not responding.

RESOLUTION 69 – 16

APPROVE WATER METER PENALTY

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

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

Resolved to authorize the Water-Sewer Department to send out notification to the residents that have not previously responded to the department's attempts to arrange for the replacement of the readers on the Town owned water meters.

RESOLUTION 70 – 16

NEW WENDELVILLE MEMBER

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

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

Resolved to add a new Wendelville member, Justin Graham to the Town's insurance immediately.

RESOLUTION 71 – 16

AUTHORIZATION TO PURCHASE MOWER

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

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

Resolved to authorize the purchase of a Hydraulic Rotary Mower and accessories not to exceed \$61,000.00 from MTE Turf Equipment Solutions from West Henrietta.

RESOLUTION 72 - 16

NO ENVIRONMENTAL IMPACT FOR WATER STORAGE TANK PROJECT

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

WHEREAS, the Town of Pendleton Town Board is considering various improvements to the Town's existing water storage tank; and

WHEREAS, the inspection report describing the proposed improvements dated October 23, 2015 has been submitted for the Town Board's consideration; and

WHEREAS, this project is a Type 2 Action for purposes of SEQRA pursuant to 6 NYCRR 617.5(c)(1) as it involves the maintenance and repair involving no substantial change to the existing water storage tank, and is, therefore, not subject to review pursuant to SEQRA; and

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.

Councilman Ostrowski has been looking into security cameras for the Town Hall and the Public Works Building. After receiving quotes from several companies he had narrowed down the most cost effective system for the Town. Phil Samuel from Your Image Graphics gave a brief presentation regarding his recommendations. He explained that he would install a series of cameras to cover critical areas inside and outside of the buildings and would train any staff members how to review and/or download to review. The system would allow for expansion in the future.

PUBLIC REMARKS/COMMENTS

Anne Marie Reeb asked how long the cameras archived the film before taping over. Since an individual has 90 days to file a complaint it was suggested that the taping should allow for at least that length of time.

Sandy Masterson asked about the noise ordinance presented in January. She was told it was an ongoing process and the Planning Board and the Town Board continues to exchange information.

BOARD MEMBERS DISCUSSION

A work session was scheduled for April 25th at 7:00 P.M.

Motion by Councilman Leible, seconded by Councilman Fischer to adjourn to Executive Session for litigation with Attorney Gary Abraham and Claude Joerg at 7:55 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilwoman Jarvis to adjourn from the Executive Session and the Regular Meeting at 8:44 P.M. Motion carried.

Terry J. Pienta, Town Clerk