

**TOWN OF PENDLETON**  
August 11, 2014

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 11<sup>th</sup> day August 2014 at 8:00 P.M. One Public Hearing was scheduled for 7:55 P.M.

**PUBLIC HEARING**

Supervisor Riester called the Public Hearing to order at 7:56 P.M.

Clerk Pienta read the Public notice that was published in the Union Sun & Journal on August 1, 2014. The purpose of the hearing was for the proposed transfer of \$160,038.00 from the from the Building and Land Improvement Fund (A.0000.0201.0300) to the General Operating Account (A.0000.0200) for the Town's share of the Trail Expansion Grant awarded to the Town through the New York State Department of Transportation

No one wished to be heard.

Motion by Councilman Leible, seconded by Councilman Fischer to close the Public Hearing at 7:57 P.M.

**REGULAR MEETING**

Supervisor Riester called the meeting to order at 8:00 P.M.

Supervisor Riester led the invocation and the salute to the flag.

ROLL CALL:      Supervisor Riester      present  
                         Councilman Leible      present  
                         Councilman Morrison      present  
                         Councilman Fischer      present  
                         Councilwoman Jarvis      present

Also present were:

Terry Pienta      Town Clerk  
Dave Britton      Town Engineer  
Dave Gerber      Building Inspector  
Jeff Stowell      Highway Superintendent  
Don Bergman      Budget Director

There were approximately 5 residents in attendance.

**AMENDMENTS-ADDITIONS-DELETIONS TO THE AGENDA**

Add LOSAP resolution for referendum and authorization to waive signage permit fee for Historical Marker to be placed at Uncle G's.

RESOLUTION 94 - 14

**APPROVAL OF MINUTES**

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

ADOPTED      Ayes 5      Riester, Leible, Morrison, Fischer, Jarvis  
                     Nays 0

Resolved that the minutes of the Regular Meetings held July 14<sup>th</sup> and Work Session held June 30<sup>th</sup> be approved as submitted by Clerk Pienta.

**Supervisor Riester** reported the total expenditures that were authorized and paid in the month of July:

General Fund	\$	38,825.34
Highway	\$	95,712.22
Water	\$	43,266.99
Sewer	\$	10,466.66
Refuse	\$	34,251.25
Farmer's Market	\$	943.00
Trust & Agency	\$	16,979.98
Fire Protection District	\$	29.18

**OTHER REPORTS**

**Supervisor Riester** reported that the sales tax collected for the month of June was \$171,873.54. This is compared to \$181,148.89 2013. This is a decrease of \$9,275.35 June 2013. The year to date received is \$796,581.74 which is a decrease of \$27,988.42 from 2013. He also announced that the annual Wendenville Field Days will be held Friday and Saturday the 15<sup>th</sup> and 16<sup>th</sup>. He continues to meet with the Health Insurance Consortium, looking for better health coverage for a lower cost. He also reported that the DEC has sent a letter reporting that 2 additional properties (one located on Fisk Rd. and one Lockport Road) have applied for a permit to have the EQUATE applied to their property. Attorney Claude Joerg is preparing the documents that will be mailed to the DEC concerning the process required by the Town's Local Law #01-14 that was passed on July 14<sup>th</sup>. One resident voiced some concerns regarding the location of the properties, whether an application for a permit was applied for through the Town and also questions how long a soil analysis is considered to be valid. Supervisor Riester said that Attorney Joerg is working on a response to the letter received from the DEC.

**Councilman Leible** reported that the Building Department issued 12 violations, 5 remain outstanding. Total outstanding year to date is 23. He also reported that the Highway Department started patching pot holes in Pendale and part of Mapleton Road, chipped brush, installed new pipe on Dunnigan Rd., evaluated and requested estimates for the DI's in Pendale and Ridgeview to be repaired, and listed several "shared services" for the month for the County and several Towns. He also reported that the Building Department issued 34 permits for a total of \$3,200.00 in fees.

**Councilman Morrison** reported that the Water Department responded to 3 regular time sewer calls and 5 overtime calls, updated 3 grinder pump updates, 83 underground utility stakeouts completed, and set up tables several times for the Senior's luncheons. He also thanked the Wendelville members that came to the Farmer's Market for their Fire Prevention truck. He also thanked Dave from Starpoint for his cooperation throughout the Recreation program. The Recreation program's last day is Thursday the 14<sup>th</sup>.

**Councilman Fischer** - nothing to report.

**Councilwoman Jarvis** reported that she will be attending a seminar about providing innovative playground equipment while including children with disabilities.

**Engineer Britton** reported that the Meadows extension is almost complete and the developer is preparing the next phase of the extension. He also reported that the Bear Ridge Estates is also preparing for their next phase which will complete the loop of Creekbend and Paddock Ridge.

## **NEW BUSINESS**

RESOLUTION 95 - 14

### **AUTHORIZATION FOR TRANSFER OF FUNDS**

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

ADOPTED      Ayes 5      Riester, Leible, Morrison, Fischer, Jarvis  
                         Nays 0

Resolved to authorize the Supervisor to transfer \$160,038.00 from the from the Building and Land Improvement Fund (A.0000.0201.0300) to the General Operating Account (A.0000.0200) for the Town's share (20%) of the Trail Expansion Grant awarded to the Town through the New York State Department of Transportation.

RESOLUTION 96 - 14

### **AUTHORIZATION TO CLOSE ROAD FOR THE ANNUAL ST. PAUL'S FLEA MARKET**

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

ADOPTED      Ayes 5      Riester, Leible, Morrison, Fischer, Jarvis  
                         Nays 0

Resolved to authorize the Highway Superintendent to close Old Tonawanda Creek Rd. to through traffic on September 20 from 7:00 am to 4:00 pm for St. Paul's annual Flea Market & Chowder Sale.

RESOLUTION 97 - 14

### **AUTHORIZATION TO WAIVE FEE FOR PERMIT FOR HISTORICAL MARKER**

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

ADOPTED      Ayes 5      Riester, Leible, Morrison, Fischer, Jarvis  
                         Nays 0

Resolved to authorize the Building Department to waive the permit fee for a historical sign that will be located at Uncle G's between their store and the parking area to designate the

Erie Canal Village and portage at Tonawanda Creek junction and for the establishment of Sylvester Pendleton Clark 's Tavern and also as the Town's first Postmaster that settled in 1821.

RESOLUTION 98 - 14

**AUTHORIZATION FOR A PUBLIC REFERENDUM TO INCREASE THE MAXIMUM NUMBER OF YEARS OF SERVICE**

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

ADOPTED       Ayes 5       Riester, Leible, Morrison, Fischer, Jarvis  
                  Nays 0

WHEREAS; in accordance with Article 11-A of the New York State General Municipal Law, resident voters of the Town of Pendleton approved a proposition to establish the Town of Pendleton Service Award Program effective January 1, 1995, to be administered by the Town Board of the Town of Pendleton, for active volunteer firefighter members of the Wendelville Volunteer Fire Company; and,

WHEREAS; under the current Program provisions, for each year of Service Credit earned under the Point System, including the five calendar years immediately preceding January 1, 1995, a Participant earns a \$20 lifetime monthly service award commencing at the Entitlement Age of sixty-five (65), up to a maximum accrued monthly service award of \$400 for twenty (20) years of Service Credit earned; and,

WHEREAS; a Program Participant becomes 100% vested upon earning five (5) years of Service Credit, attaining the Entitlement Age, being awarded a Total and Permanent Disability, or dying while an active volunteer firefighter member of the Wendelville Volunteer Fire Company; and,

WHEREAS; Article 11-A authorizes the Town Board of the Town of Pendleton to seek voter approval for amendments to the Service Award Program; and,

WHEREAS; many of these amendments are intended to enable the Town to improve the Service Award Program benefits to active volunteer firefighter members; and,

WHEREAS; such improvement in Service Award Program benefits is consistent with the intent of the Program to help recruit and retain active volunteer firefighter members;

Now, Therefore, BE IT RESOLVED, that:

The Town Board of the Town of Pendleton, as authorized by Article 11-A of the New York State General Municipal Law, directs that there shall be a public referendum of eligible voters of the Town of Pendleton, in an election to be held on November 4, 2014, to determine whether the Town of Pendleton Service Award Program shall be amended effective January 1, 2015 to increase the maximum years of Service Credit which may be earned under the Program from 20 to 30 years.

The current annual cost of funding the Town of Pendleton Service Award Program is about \$141,000, including the cost of administration of about \$5,500. Should voters approve this amendment, the annual cost of the amended program is expected to increase to about \$180,500 (\$1,675 per current covered participant) including the cost of administration of about \$5,500.

All other provisions of the Town of Pendleton Service Award Program which required voter approval shall not change and the program shall continue to be administered by the Town Board of the Town of Pendleton in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

## **PUBLIC REMARKS/COMMENTS**

Sandy Masterson requested a meeting with Supervisor Riester, Highway Superintendent Stowell, and Budget Director Don Bergman to discuss repaving the roads in the Pendale subdivision. The meeting is scheduled for August 26<sup>th</sup> at 3:30 pm.

## **BOARD MEMBERS DISCUSSION**

Highway Superintendent Stowell requested a Work Session to discuss a couple of budget lines. Supervisor Riester suggested that Councilman Fischer and Councilman Leible meet with Superintendent Stowell and make a determination/suggestion to the Board at the next regular scheduled meeting on September 8<sup>th</sup>, 2014.

Motion by Councilman Leible, seconded by Councilwoman Jarvis to adjourn from the Regular Meeting at 8:39 P.M. Motion carried.

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Terry J. Pienta, Town Clerk