

**TOWN OF PENDLETON**  
**REGULAR MEETING**  
August 14, 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 14<sup>th</sup> day of August, 2017 at 7:00 P.M.

Supervisor Maerten opened the Regular Meeting at 7:04 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      absent

Also present were:

Terry Pienta	Town Clerk
Kelli Coughlin	Assessor
Claude Joerg	Town Attorney
Jeff Stowell	Highway Superintendent
Jim Argo	Water-Sewer Superintendent
Tim Masters	Building Inspector
Wolfgang Buechler	Board of Appeals
Don Bergman	Budget Director

There were approximately 9 residents in attendance.

**COMMUNICATIONS**

Clerk Pienta read a notice received from Charter Communications (Spectrum) regarding two price adjustments, Broadcast TV surcharge adjustment from \$6.05 will be increased to \$7.50 and Spectrum receiver adjustment will be increased from \$4.99 from \$3.99.

**COMMENTS ON AGENDA ITEMS**

No comments were made.

**ROUTINE BUSINESS**

RESOLUTION 137 - 17

**APPROVAL OF MINUTES**

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

ADOPTED      Ayes 4      Maerten, Leible, Fischer, Ostrowski

                    Nays 0

Resolved that the minutes of the Regular Meeting on July 10<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 July:

General Fund	\$	79,365.04
Highway	\$	23,550.95
Water	\$	43,565.45
Sewer	\$	2,892.63
Refuse	\$	34,468.75
Trust and Agency	\$	1,629.98

**Supervisor Maerten** reported that the sales tax collected for June 2017 was \$152,165.11, a decrease of \$11,456.31 from 2016. The year to date total is \$772,851.95, a decrease of \$12,323.82 from 2016. He also reported that the contractors have started the installation for the playground equipment. He thanked the Highway Department for the site preparation for the equipment. He also mentioned the Pendale project and local towns shared services. The Towns of Cambria, Lockport, Wheatfield, Wilson, Porter and Newfane helped with the repaving of the subdivision. He said that he has received numerous complaints regarding speeding. He has been in touch with the Sheriff's Department and they have placed a portable speed sign on Bear Ridge Road. A number of homes in Town were part of the first Garden Walk. He hopes it becomes an annual event. The Community celebration is coming up, everyone is looking forward to that event. The dedication of the Park Shelter to honor Robert Kramer was well attended by many people from Town. He also reported that Justice Maziarz, Justice Mack, Ed Harman and himself met with an architect to discuss the various needs for the Town that include a Court expansion and a Community Center.

## **OTHER REPORTS**

**Councilman Leible** reported that he spoke with Senator Ortt recently and the Senator mentioned that the Town of Pendleton is the only municipality that will have a complete handicap accessible playground in the area. He also reported that the bird netting for the shelters has been started. It should be completed this week. He also asked for newsletter articles for the fall issue by August 25<sup>th</sup>.

**Councilman Fischer** reported that the Sewer Department had 18 regular time sewer calls, five overtime calls, three grinder pump updates, five partial grinder pump updates, five open sewer/water trench inspections, eight sold home compliance inspections, scraped and painted Pendale pump station, topsoil and seed where needed, and completed 78 underground utility stakeouts. The Water Department completed the quarterly water readings, repaired two water main service breaks, one new hope service tap and push under the road, one same side water tap, six new home water meters installed, eight final water reads completed, four recycling totes delivered, black topped previous water repairs in the road area in Creekview Drive and Tonawanda Creek Road, completed lead copper sampling with the Health Department and Niagara County Treatment Plant; a three year cycle, prepared pallets for the electronic pickup, and changed over one trace reader to an Orion reader. The Highway Department dug up and repaired a D.I. at Lockport and Aiken Road intersection, chipped brush for five days, began brush hogging the bike path and Irish Road ditch, milled and paved Pendale subdivision, cleaned some of the roadside ditches on Irish Road, completed the restoration project by the TanTara ditch, and maintained the parks, cemeteries, grounds, and athletic fields. The shared services for the month included two men and trucks to Lockport for two days, Royalton for 2.5 days, and Porter for two days, and brush hogged one ditch for Cambria. The Pendale project; Wheatfield sent four trucks for nine days, skid steer for four days, two men and trucks for six days, Cambria sent four trucks for seven days, Wilson, Porter and Newfane sent two trucks for two days, used the Town of Lockport's paver and roller for eight days with four men. He also reported that he has met with the committee about the upcoming Farm & Home Days.

**Councilman Ostrowski** reported that the application for the Trail enhancements has been submitted and they are hoping for a decision sometime in December. He thanked Engineer Britton, Highway Superintendent Stowell and Councilman Fischer for their help in getting everything together and mailed out. He mentioned that he had the opportunity to go in the Dollar General on Transit Road. He was impressed with the variety of items and how neat and clean it was. He also reported that two small business have opened up recently for the weekends; one that sells popcorn on Aiken Road and the Juice Box on Mapleton Road.

**Engineer Britton** reported that the updated maps for FEMA are still on track for adoption on November 3<sup>rd</sup>. The Town Code will need to be updated by Local Law removing the old map numbers and inserting the new numbers. He also suggested holding one or two informational meetings for the property owners that have been impacted. It was determined to hold at least one in October.

**Claude Joerg** – nothing to report

## DEPARTMENT HEADS

**Building Inspector Tim Masters** reported that the Building Department has 178 active building permits with another eight in the review process, and there are 231 contractors' licenses on file with the department. Seven new single family home permits were issued in July which brings the total of 34 new homes being constructed at this time. The Building Department is also working on several property maintenance issues. There are currently nine outstanding violations this month. One area of concern is vacant homes. They are working hard getting a good process in place so that the homes do not become a hazard as some of them are at this time. He also reported that he attended training the previous week and will have another session at the end of August.

**Water-Sewer Superintendent Jim Argo** reported that Tray Lonis would like an Eagle Scout project and he would like to offer the painting of numerous fire hydrants around Town. He will limit it to areas in subdivisions and roads that were not very busy for safety concerns. He will present his project to the Board in the near future. It was suggested to have a letter on file from the Union that they do not have a problem with the project.

**Highway Superintendent Jeff Stowell** said that the report read by Councilman Fischer covered all the projects his department worked on.

**Assessor Kelli Coughlin** reported that it has been mentioned that not everyone understands what an arm's length sale is. An arm's length sale is a real estate transaction that occurs in an open market and whereby the price is freely arrived with no pressure from either the seller or the buyer. She reported that there were six arm's length sales for July. The six homes sold for an average of \$60,000.00 over the assessed value. The one home that stood out most to her was one that sold for \$110,000.00 over the assessed value. She also went on several final inspections with the Building Inspector. She was also served with papers for Article 7 from the hotel on Transit, Max Auto, Tan Tara, Dynamac and Key Bank.

**Budget Officer Don Bergman** reported that all of the budget letters have been passed out to all of the departments. He would like to have them back in early September.

## NEW BUSINESS

Supervisor Maerten explained that Computer Search has a program that would simplify the Town's manual payroll process, which will be less time consuming and will result in fewer errors. The set-up fee is \$495.00 and the annual cost will be about \$1,000.00 (\$2.15/employee/month).

### RESOLUTION 138 - 17

#### **AUTHORIZE COMPUTER SEARCH TIME & ATTENDANCE PROGRAM**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski

Nays 0

Resolved to authorize the enrollment of time & attendance and micro pay through the Town's payroll company Computer Search with a set-up fee of \$495.00 and an annual cost of approximately \$1,000.00.

### RESOLUTION 139 - 17

#### **CLOSE OLD TONAWANDA CREEK RD AND OLD CAMPBELL BLVD SEPTEMBER 16 FOR ST. PAUL'S ANNUAL FLEA MARKET AND CHOWDER SALE**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski

Nays 0

Resolved to authorize the Highway Superintendent to close Old Tonawanda Creek Rd and Old Campbell Blvd on September 16<sup>th</sup> from 7:00 AM to 4:00 PM for St. Paul's annual Flea Market and Chowder Sale.

RESOLUTION 140 - 17

**STANDARD WORKDAY RESOLUTION 8 HOURS = 1 DAY**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved that the Town Board has established a standard workday for the purpose of determining days worked reportable to the New York State and Local Employee's retirement system as eight hours to equal one day credit for all employees and elected and appointed officials.

RESOLUTION 141 - 17

**SCHEDULE PUBLIC HEARING TO AMEND LOCAL LAW 01-2010**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to schedule a Public Hearing on September 11, 2017 at 6:50 P.M. to amend Local Law 01- 2010 for the revised Flood Insurance Maps (FIRMS) that will become effective November 3, 2017.

RESOLUTION 142 - 17

**AUTHORIZE TO SIGN AGREEMENT WITH CLARK PATTERSON LEE CONSULTANT FOR ENGINEERING SERVICES FOR THE FISK ROAD PROJECT**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to authorize the Supervisor to sign the Architectural/Engineering Consultant Contract with Clark Patterson Lee as Consultant in connection to the Fisk Road Rehabilitation Project.

RESOLUTION 143 - 17

**AMENDMENT TO HANDICAP DURA TURF PURCHASE**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to authorize the amount of the Dura Turf for the handicap playground area to be updated to the amount of \$129,380.00 which will be 100% reimbursable.

RESOLUTION 144 - 17

**PUBLIC ACCESS TO DEFIBRILLATOR**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to file a form with the NY State Department of Health for public access to the defibrillation program and to name Dr. Joseph Takats as the Town's medical director for the program.

RESOLUTION 145 - 17

**CLOSE OLD TONAWANDA CREEK RD. AND OLD CAMPBELL BLVD. SEPTEMBER 6 FOR WENDELVILLE'S ANNUAL 5 K RACE**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to authorize the Highway Superintendent to close the Old Tonawanda Creek Road and Old Campbell Blvd. on September 6<sup>th</sup> for the Wendelville's annual 5 K Race.

RESOLUTION 146 - 17

**CANCELATION OF STAGE RENTAL**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to cancel the previous authorization to rent Niagara Fall's stage and authorize the rental of the Town of Niagara's stage for a cost of \$1,500.00 for the two days of the Farm and Home Days.

RESOLUTION 147 - 17

**MEMORANDUM OF UNDERSTANDING FOR REIMBURSEMENT FOR CELL PHONE**

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Whereas, the Employer and Union are parties to a Collective Bargaining Agreement effective January 1, 2016 to December 31, 2019; and

Whereas, the parties agree to address cell phone stipend for Deputy Highway Superintendent; and

Whereas, the duties of the Deputy Highway Superintendent require to be accessible by phone at all times and for this reason it is necessary that the Deputy Highway Superintendent maintain a cell phone in his possession at all times; and

Whereas, due to this necessity the Town has agreed to reimburse him for a portion of his cell phone bill,

Now, therefore it is agreed that notwithstanding the provisions of the January 1, 2016 to December 31, 2019 Collective Bargaining Agreement the Town of Pendleton will pay \$28.00 a month to the Deputy Highway Superintendent for his cell phone bill that will be made quarterly.

Water-Sewer Superintendent Argo solicited bids from three local plumbing companies for the repair of 24 sewer infiltration leaks. The project will be reimbursed by Niagara County when it's completed. The bids received were as follows:

<b>R.I.C. Plumbing Inc.</b>	<b>\$19,800.00</b>
S.M. Pynn & Sons, Inc.	\$22,800.00
Mulla Plumbing Company	\$20,800.00

RESOLUTION 148 - 17

**INFLOW AND INFILTRATION (I & I)**

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to accept the low bid from R.I.C. Plumbing for the excavation and the repair of 24 sewer infiltration leaks for \$19,800.00 that will be reimbursable from Niagara County for the annual I & I projects.

RESOLUTION 149 - 17

**AUTHORIZE THE COST OF A CLIMBING WALL FOR THE FARM & HOME DAYS CELEBRATION**

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to authorize the cost of \$750.00 for a rock climbing wall for the upcoming Farm & Home Days Celebration.

RESOLUTION 150 - 17

**SHREDDIT EVENT FOR THE COMMUNITY FAIR**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to authorize the payment of \$813.75 for three hours rental of a "Shred-it" truck for the scheduled Community Fair and Business Expo on September 30<sup>th</sup>.

RESOLUTION 151 - 17

**AUTHORIZE THE RENTAL OF A GENERATOR**

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was  
ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to authorize the rental of a generator for the two days of the Farm & Home Days for \$2,312.49.

RESOLUTION 152 - 17

**AUTHORIZE PAYMENT FOR FRIDAY'S BAND**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to authorize the payment of \$1,400.00 for Friday night's band, Hit N Run, for the upcoming Farm & Home Days.

RESOLUTION 153 - 17

**AUTHORIZE THE FIREWORKS**

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski  
Nays 0

Resolved to authorize the payment of \$5,000.00 for the Firework's for Saturday night's Farm & Home Days Celebration with Pyrotechnico.

Supervisor Maerten announced that the Boy Scouts are anticipating the need for several Eagle Scout projects in the next 3 years and to please let him know if you have any ideas you would like to suggest. He also announced that there will not be a Work Session held in August.

**PUBLIC COMMENTS/COMMENTS**

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn to Executive Session to discuss personnel and litigation with the Town Attorney at 8:23 P.M. Motion carried.

Motion by Councilman Fischer, seconded by Councilman Leible, to adjourn from Executive Session and the Regular Meeting at 8:40 P.M. Motion carried.

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Terry J. Pienta, Town Clerk