

TOWN OF PENDLETON
August 8, 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 8th day August 2016 at 7:00 P.M. A Public Hearing was scheduled for public input regarding a proposed amendment to the Town Code §133-Fire Prevention-Rapid Entry System.

PUBLIC HEARING

Supervisor Maerten opened the Public Hearing at 7:00 P.M.

Supervisor Maerten explained that the new code will require all new commercial buildings, commercial buildings with improvements that require Planning Board approval and new multi-family residential structures will be required to install Knox Boxes. A Knox box is a device designed to hold keys, plans, etc. allowing for a designated member of the Fire Company or Police/Sheriff Department quick access without damaging entry doors or windows.

No one wished to be heard.

Motion by Councilman Fischer, seconded by Councilman Ostrowski to close the Public Hearing at 7:01 P.M. Motion carried.

REGULAR MEETING

Supervisor Maerten opened the Regular Meeting at 7:01 P.M.

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

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

Also present were:

Terry Pienta	Town Clerk
Don Bergman	Budget Director
Kelli Coughlin	Assessor
Claude Joerg	Town Attorney
Jim Argo	Water-Sewer Superintendent
Dave Britton	Engineer
Mark Walter	Fire Chief

There were approximately 12 residents in attendance.

PUBLIC COMMENTS ON AGENDA ITEMS

Agenda Item: The Planning Board’s request for professional services - A resident asked the Town Board to consider having the Town Attorney review the recently adopted code change for the Town of Lockport’s Solar Energy Ordinance. He feels it would be less costly and more timely rather than the Engineer’s proposal.

ROUTINE BUSINESS

RESOLUTION 100 - 16

APPROVAL OF MINUTES

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

ADOPTED Ayes 3 Maerten, Fischer, Ostrowski
 Nays 0

Resolved that the minutes of the Regular Meeting held on July 11th 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	\$	64,689.55
Highway	\$	154,633.06
Water	\$	54,983.23
Sewer	\$	7,490.18
Refuse	\$	35,357.51
Trust & Agency	\$	6,435.34
Fire Protection	\$	175.62

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for the month of June was \$163,621.42. This is an increase of \$3,871.92 from June 2015. The year to date received is \$785,175.77 which is a decrease of \$17,718.73 from 2015.

Councilman Fischer reported that the Sewer Department had 19 regular time calls, 4 overtime calls, 3 pressure sewer break repairs, 1 total grinder pump update, 1 partial grinder pump update, 4 sold home water/sewer compliance inspections completed, delivered 7 recycling totes, 2 open sewer and water trench inspections, and 7 grinder pumps torn apart to send out for rebuilding. The Water Department completed the quarterly water meter readings, replaced 56 new Orion Readers, 7 final water reads, 5 new home water meters installed, 1 fire hydrant repair on Fisk Road, 1 fire hydrant raised 18 inches to final grade on Transit Road, 4 water main valve boxes repaired, annual fire extinguishers testing was completed, and installed 30 ft. of 18 in. pipe in road ditch on Lockport Road with the Niagara County Water Department. He also updated everyone about the field days for 2017 that will be held the 3rd weekend in August (18 and 19). The committee is hoping that more people will volunteer their time to make this a big success.

Councilman Ostrowski reported that the Building Department issued 34 Building Permits. 12 Violations were issued in July and 9 are currently outstanding. There are 16 Violations outstanding for the year. He also announced a free seminar on September 23rd at Starpoint School from 8:30 am to 1:00 pm. It is sponsored by the Sheriff's Department. It is called "High in Plain Sight". The purpose is to educate parents and community members about what to be looking for as far as drugs and gang members. Sometimes things are not so obvious and this seminar will provide everyone with the latest trends. He was at a recent fire in Pendleton and complimented the local firemen for their dedication to the community.

Engineer Dave Britton reported that the company hired for the water tank project has started the work. The Town Water Department had emptied the tank last week. It will be out of service for six weeks.

Attorney Claude Joerg reported that Tan Tara and First Niagara Bank are challenging their assessment. He explained the process and the monetary burden it places on the Town. The Town will litigate each of the challenges in Court. He also reported that he will be looking to see the County assist the Town with the costs for the appraisals.

Assessor Coughlin asked for Board approval to attend New York State Assessor's Conference in September. The money is in her budget.

RESOLUTION 101 - 16

AUTHORIZATION TO ATTEND THE NEW YORK STATE ASSESSOR CONFERENCE

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

ADOPTED Ayes 3 Maerten, Fischer, Ostrowski
 Nays 0

Resolved to authorize the Assessor to attend the New York State Assessor's Conference in September.

NEW BUSINESS

RESOLUTION 102 - 16

TOWN CODE AMENDMENT §133-FIRE PREVENTION-RAPID ENTRY SYSTEM.

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

ADOPTED Ayes 3 Maerten, Fischer, Ostrowski
 Nays 0

Resolved to adopt the Town Code Amendment Code §133-Fire Prevention-Rapid Entry System as presented during the Public Hearing and will read as follows:

Knox Box Requirement

Article 1 - General Provisions

Section 133-1

A. Whereas, an ordinance is necessary to require certain commercial and residential buildings to install KNOX BOXES.

B. Whereas, the benefits of installing Knox Boxes include providing immediate emergency access to firefighters leading to increasing Fire Department efficiency; preventing costly forced entry damage and to allow undamaged doors to be re-secured after the emergency; and protect property, inventory, equipment and supplies as well as firefighters against possible injury.

Article 2 - Word Usage

Section 133-2 Definitions

A. FIRE OFFICIAL: Shall include Code Enforcement Officer, Fire Marshall, Fire Chief, and or other fire department member designated by the fire chief, and shall express the opinion of the fire department regarding key lock boxes (Knox Boxes), their mounting, location and number needed.

B. GATE /DOOR/ENTRANCE: Shall mean any gate, crossbar, door or other construction device which is utilized for the purpose of restricting, controlling or obstructing entry by motor vehicle or pedestrians to or from private streets, parking areas fenced areas or other enclosed or unenclosed which is not manned 24 hours a day ,seven days a week by a person capable of providing immediate access by a police or fire safety vehicle and personnel.

C. KEY LOCK BOX (KNOX BOX): Shall mean a device designed to hold entry devices including keys, access cards, plans , lists etc. which allows access to a Business or Multi-Family Residential Complex which is mounted in an approved position on the premises.

D. TOWN CODE ENFORCEMENT OFFICE: Shall mean the department head of the building and code enforcement department of the town or a designee within that department.

Article 3 - Knox Box Requirement

Section 133-3 Knox Boxes

A. Knox Box Required for New Commercial Buildings. All new commercial buildings shall have installed a Knox Box of UL type and size approved by the Town Fire Official, in a location specified by the Town Fire Official prior to the issuance of the permit of occupancy.

B. Knox Box Required for existing Commercial Buildings. with Improvements. All existing commercial buildings constructing improvements that require Planning Board approval shall have installed a Knox Box of UL type and size approved by the Town Fire Official, in a location specified by the Town Fire Official prior to the issuance of the Building Permit.

C. Knox Box Required for New Multi-Family Residential Structures. All new Multi-Family Residential Structures that have restricted access through locked doors and have a common corridor for access to the living units shall have installed a Knox Box of UL type and size approved by the Town Fire Official in a location specified by the Town Fire Official prior to the issuance of the permit of occupancy.

D. Knox Box Contents. See definition of Key Lock Box (Knox Box) - Section 133-2 C.

Article 4 - Installation and Maintenance

Section 133-4 Installation

Lock Boxes (Knox Boxes) shall be installed in a locations as approved by the Fire Official and or Code Enforcement Officer of the Town.

Section 133-5 Maintenance

A. It shall be the responsibility of the Business or Premises owner:

1. To assume all costs involved in the purchase and installation of the Lock Boxes (Knox Boxes) and supplying the required contents for it.
2. To keep said Lock Boxes (Knox Boxes) in good repair and visible to fire and code officials.
3. To ensure that all key information required to be contained in the Lock Boxes

(Knox Boxes) shall be provided and kept current.

Supervisor Maerten reported that the Town of Pendleton continues to work with the Towns of Cambria, Newfane and Somerset for a joint bid for the refuse and recycling contract. He would like authorization to sign and joint agreements to help move things along.

RESOLUTION 102 - 16

AUTHORIZATION TO SIGN JOINT MUNICIPAL AGREEMENTS FOR REFUSE AND RECYCLING CONTRACT

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

ADOPTED Ayes 3 Maerten, Fischer, Ostrowski
 Nays 0

WHEREAS, the Town of Pendleton’s current Refuse and Recycling collection and disposal contract is set to expire on December 31, 2016; and

WHEREAS, the Town of Pendleton has previously bid the refuse and recycling collection and disposal contract jointly with other Niagara County municipalities to obtain maximum pricing and to save on advertising and production costs; and

WHEREAS, the Towns of Cambria, Newfane, Pendleton and Somerset desire and each Town believes it is in the best interest to jointly bid its next refuse and recycling collection and disposal and marketing contract as a whole; now therefore be it

RESOLVED, that the Town of Pendleton does hereby authorize a joint bid for its refuse and recycling collection and disposal and marketing contract in conjunction with the Towns of Cambria, Newfane, and Somerset; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to sign any joint municipal agreements to facilitate the same.

RESOLUTION 104 - 16

AUTHORIZATION TO SIGN LETTER FOR SEWER CONNECTION TO NIAGARA COUNTY #1 MANHOLE 3-26 AT 6332 TRANSIT ROAD

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

ADOPTED Ayes 3 Maerten, Fischer, Ostrowski
 Nays 0

Resolved to authorize the Supervisor to sign a letter requesting to tie into the Niagara County Sewer District Manhole 3-26 located at 6332 Transit Rd.

RESOLUTION 105 - 16

STANDARD WORKDAY AND REPORTING RESOLUTION

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

ADOPTED: Ayes 3 Maerten, Fischer, Ostrowski
 Nays 0

Resolved that the Town Board of the Town of Pendleton hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employee’s Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk.

Title	Name	SS # (last 4)	Registration #	Hours per Workday	Term (dates)	Time Keeping System	Days/Month (based on Record of Activity)	Not submitte d
ELECTED								
Supervisor	Joel Maerten	xxxx	xxxx	8	01-01-2016- 12-31-2017	N	8.44/mo	
Highway Superintendent	Jeff Stowell	xxxx	xxxx	8	01-01-2016- 12-31-2017	N	24.67/mo	
Town Clerk	Terry J Pienta	xxxx	xxxx	8	01-01-2016- 12-31-2017	N	23.73/mo	
Councilman	David Leible	xxxx	xxxx	8	01-01-2016- 12-31-2019	N	5.27/mo	
Councilman	David Fischer	xxxx	xxxx	8	01-01-2014- 12-31-2017	N		X
Councilwoman	Aimee Jarvis	xxxx	xxxx	8	01-01-2014- 12-31-2017	N	5.03/mo	
Councilman	Todd Ostrowski	xxxx	xxxx	8	01-01-2016- 12-31-2019	N	5.25/mo	
APPOINTED								
Bd of Appeals	Lee Daigler	xxxx	xxxx	8	01-01-2016- 12-31-2020	N	8 days/yr	
Bd of Appeals	Wolfgang Buechler	xxxx	xxxx	8	01-01-2014- 12-31-2018	N	8 days/yr	
Deputy Highway Superintendent	Ken Smith	xxxx	xxxx	8	01-01-2016 12-31-2017	Y	N/A	
Assessor	Kelli Coughlin	xxxx	xxxx	8	10-01-2013- 09-31-2019	N	23.63/mo	
Town Attorney	Claude Joerg	xxxx	xxxx	8	01-01-2016- 12-31-2017	N	7.78/mo	

(30 day posting required)

The Board discussed with Engineer Britton what was involved for his firm to revise the Town Code regarding a Solar Energy proposal. The total proposal was for \$8,500.00. After he explained the various costs involved. Supervisor Maerten asked for a motion to approve the proposal. No one made the motion from the Town Board. It was determined to communicate to the Planning Board to provide a more cost effective way to get the ordinance written and perhaps ask GHD (Town’s Engineering Co) to provide the SEQR process.

PUBLIC REMARKS

Dave Notaro from the Tonawanda Sportsman Club provided Clerk Pienta with several pages of petitions that have been collected by members of the club that are against the Town’s decision to continue the Town’s trail through their property. The club will continue to get signatures and turn them in to Clerk Pienta on a monthly basis.

Budget Director Don Bergman announced that the budget estimated forms have been distributed to all the departments. He asked that they be returned to him by September 12.

A resident referred to a previously asked question (July Meeting) regarding a bed tax for the new hotel constructed on Transit Road. Supervisor Maerten said that he and Attorney Joerg have started to look into it to see if it is feasible for the Town to charge a bed tax and the process to do so.

Fire Chief MarK Walter thanked Councilman Ostrowski for the words of encouragement. He also noted that Superintendent Stowell was a great help too.

BOARD MEMBERS DISCUSSION

A work session was not scheduled for August. If there is a need for a meeting proper legal notification will be taken.

Supervisor Maerten asked for a motion to adjourn to Executive Session for Litigation (to include Attorney Gary Abraham) and Contractual to include Attorney Jim Schmidt and an additional session will include Joseph McCaffrey, Chairman of the Planning Board.

Motion by Councilman Fischer, seconded by Councilman Ostrowski to adjourn to Executive Session for Litigation and Contractual reasons at 7:45 P.M.

Motion by Councilman Fischer, seconded by Councilman Ostrowski to adjourn from Executive Session and the Regular Meeting at 9:47 P.M.

Terry J. Pienta, Town Clerk