

TOWN OF PENDLETON
REGULAR MEETING
December 12, 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 12th day December 2016 at 7:00 P.M.

Supervisor Maerten opened the meeting at 7:03 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
Dave Britton	Engineer
Wolfgang Buechler	Board of Appeals
James Argo	Water/Sewer Superintendent

There were approximately 20 residents and approximately 20 students from Starpoint School.

The Community Center Committee has met for several months with the various organizations that want to be a part of the Community Center. John Higgins from the committee said that they were asked to keep the cost under one million dollars. The committee determined the most cost effective building would be a steel building. He showed the Board a conceptual design that included one large building and a smaller one attached to it. The original design was a brick a mortar building and the cost would have been several million dollars. The two buildings would accommodate one large meeting room and one smaller meeting room and several small offices. He suggested building it as big as possible and then it could accommodate more groups to use it. The one million dollar price tag would not include finishing the interior. He said a rough estimate for that would be an additional \$450,000.00 depending on the finishes. Elmer Walters brought up some of the Historical Society's concern. Supervisor Maerten said the Board would like to review and discuss the conceptual plan. He would like to review it sometime after the upcoming holidays.

ROUTINE BUSINESS

RESOLUTION 141 - 16

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the Regular Meeting held on November 14th and Work Session held on November 28th be approved as submitted by the Town Clerk.

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

General Fund	\$	85,405.14
Highway	\$	59,797.05
Water	\$	41,400.24
Sewer	\$	46,713.56
Refuse	\$	35,357.51
Trust & Agency	\$	17,355.08

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for the month of October 2016 was \$119,985.65 which is a decrease of \$9,292.40 from 2015. Year to date total is \$1,325,507.63, that is a decrease of \$27,497.33 from 2015.

Councilman Leible reported that CNBSA is looking for volunteers to help coach baseball this spring and summer. He wished everyone a Merry Christmas and a Happy New Year.

Councilman Fischer reported the Sewer Department answered 16 regular time sewer calls, 3 overtime calls, 4 pressure sewer breaks, repaired one gravity sewer plug in Meadowbrook Court, had one water and sewer open trench inspection, completed four sold home water/sewer compliance inspections, took two loads of metal to the scrap yard and gave the checks to Doreen for deposit, and had 28 underground utility stakeout requests and were completed. Niagara County participated in shared service with the Town. They brought their sewer vacuum truck and cleaned out the pump stations at Pendale, First Niagara/Key Bank and the Aiken Road pump station. They also cleaned out three large duplex tanks. He reported that the Water Department replaced rotted bolts on two water main line valves on Aiken Road and Campbell Road, repaired two fire hydrants, winterized all fire hydrants by oiling if necessary, lubed caps and pumped water out of the barrels to keep them from freezing, had seven final water reads, installed two new home water meters and delivered recycling totes, replace two water curb boxes, one new water tap and one under the road tap, shut off the water in the Town Park and winterized the bathrooms, put the water tower back in service on November 15th, and installed new lights and replace heat tape where needed at the tower. He also reported that the Highway Department installed pipe for driveways on Fisk and Killian Roads, clean a short section of ditch on Irish and Fisk Road, finished painting and installed stakes for the plows, prepped the trucks for winter, started plowing and salting as needed, continued clean up from the pipe installation at Town

Ditch #1 by TanTara, put up the outdoor Christmas decorations at the Town Hall, chipped brush on three separate days, and cut up a tree that that fell into the ditch on Mapleton Road. Participation for shared services included mowing a ditch for Cambria with the armed tractor and had three guys from Cambria help put stone shoulders on Killian Road. He also thanked Assessor Kelli Coughlin for the work and planning for the Tree lighting ceremony that was held previous to this meeting. There was hot chocolate and cookies from the Historical Society. He thanked John Higgins and the Community Center committee for their work so far in the planning of the Community Center. He also and the thanked Denuelle Meyer and JoAnn Zimmerman for their continued work on the Pendleton Farm and Home Days planned for August 2017.

Councilwoman Jarvis announced that Scooter's will be collecting Toys for Tots on Sunday December 18th during the Bill's game. They will also be donating all tips received that day to the "Wounded Warrior Project". She also reported that Mason's Mission has reached the half way point of their goal to be able to install a handicap accessible playground in the Town's Park. She also reported that there is a call for artists at the ART 247 in Lockport for an upcoming black and white exposition. The deadline for entries is January 13th. More information is available on their website: www.art247.com

Councilman Ostrowski commented that the turnout for the tree lighting ceremony was fantastic and thanked Assessor Kelli Coughlin for her time in getting everything together. He reported that there were 13 building permits issued in the month of November with \$1,005.00 received for fees. He also reported that there were 12 violations issued with 9 remaining outstanding. There are a total of 17 that remain outstanding for the year. He also announced that the Board is actively looking to fill the position of Building Inspector before the retirement of Dave Gerber so there will be time for training before he leaves. He also wishes everyone a Merry Christmas, Happy Hanukkah or Happy Kwanzaa and a safe New Year.

Engineer Dave Britton – nothing to report

Attorney Claude Joerg – nothing to report

Department Heads

- **Assessor Kelli Coughlin** prepared a list of the aged exemption increases that the Town Board is considering changing. The County recently increased their levels. She also reported that anyone that has purchased a home after March 1, 2015 must apply for the STAR exemption through the New York State website. She has provided brochures with the instructions for the people that it affects.
- **Water-Sewer Superintendent Argo** – nothing to report

NEW BUSINESS

RESOLUTION 142 - 16

AUTHORIZATION FOR THE SUPERVISOR TO SIGN SEQR FORM AND ISSUE A NEGATIVE DECLARATION FOR THE HANDICAP PLAYGROUND

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

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

Resolved, that based upon the findings made for a grant request for improvements to the Town Park for a Handicap Accessible Playground will not result in any adverse environmental impacts and to authorize Supervisor Maerten to sign and issue a Negative Declaration.

Supervisor Maerten explained to everyone that the foundation, Mason's Mission, is raising money to construct a Handicap Accessible Playground within the Town's Park. Senator Ortt was instrumental in providing \$150,000.00 toward the goal of approximately \$450,000.00. The Town will be working with the foundation by providing the park space and will be handling some of the administration by working with the Town's grant writers to get the funding through Senator Ortt's Office. The Town and the foundation are hoping to begin construction in the spring.

RESOLUTION 143 - 16

ESTABLISH A FULLTIME POSITION FOR THE WATER-SEWER CLERK

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

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

Resolved to establish a fulltime clerk position in the Water-Sewer Department.

Supervisor Maerten reported that the Board added money to the 2017 Budget to add a Laborer position in the Highway Department. They have worked with the Union for the movement of current personnel to that position and the additional movement at the end of February upon the retirement of Ken Smith.

RESOLUTION 144 - 16

CREATE A FULL TIME LABORER IN THE HIGHWAY DEPARTMENT

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

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

Resolved to create a fulltime Laborer's position in the Highway Department.

Supervisor Maerten explained that the Town has discussed several options to extend the existing trail with the grant money that was awarded to the Town a couple of years ago. The Board can turn down the money or select from one of the options below:

- Lockport Road – concerns for the safety and the cost to build a cantilever bridge and the County felt that route was too dangerous
- Feigle Road – not enough money for this route
- Meyer Road – impacted too many properties
- Townline to Killian Road – most feasible

The money is not enough to fund the complete continuation from Meyer Road to Townline Road because of the construction of a bridge over Bull Creek. The C & S Engineers suggested that the Town complete the trail from Townline Road to Killian Road. At a future date the Town can apply for funding to connect Killian to Meyer Road. In the meantime the Town can work with the Tonawanda Sportsman Club to work on a route to move the trail

around their property. C & S Engineers has recommended using the funds for the Townline Road to Killian Road. There will be some money left that can be used for repairs on the other sections of the existing trail. Councilman Ostrowski has concerns that the trail is a trail to nowhere. He feels the purpose of the trail is to bring people to the center of the Town and choosing this Townline to Killian Road leaves a gap in the trail.

RESOLUTION 145 – 16

RAILS TO TRAILS FROM TOWNLINE TO KILLIAN ROAD

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

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

Resolved to select the Townline to Killian Road option.

RESOLUTION 146 – 16

SET PUBLIC HEARING FOR A LOCAL LAW REGARDING SOLAR ENERGY SYSTEMS

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

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

Resolved to schedule a Public Hearing to present a Local Law for the installation of solar energy systems at 6:55 P.M. on January 9, 2017.

RESOLUTION 147 – 16

SET PUBLIC HEARING FOR LOW INCOME EXEMPTIONS

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

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

Resolved to schedule a Public Hearing to present a Local Law for low income limits for tax exemptions at 6:50 P.M. on January 9, 2017.

RESOLUTION 148 - 16

AUTHORIZE THE SUPERVISOR TO MAKE END OF YEAR TRANSFERS

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

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

Resolved to authorize the Supervisor to make all legal and lawful transfers of unexpended balances from accounts from the 2016 budget to the 2017 budget specific amounts to be recorded in the minutes once the final amounts have been determined.

RESOLUTION 149 – 16

SET PUBLIC HEARING FOR OPTING OUT OF NYS REALPROPERTY TAX LAW §487 EXEMPTIONS

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

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

Resolved to schedule a Public Hearing for the Town of Pendleton to opt out and provide no exemption from taxation with respect of any solar energy systems at 7:00 p.m. on January 9, 2017.

PUBLIC REMARKS/COMMENTS

There were no comments to be heard.

BOARD MEMBERS DISCUSSION

A work Session was not scheduled for the month of December.

Motion by Councilman Fischer, seconded by Councilman Leible, to adjourn to Executive Session to discuss Personnel and negotiations at 8:01 P.M.

Motion by Councilman Leible, seconded by Councilman Ostrowski to adjourn from Executive Session and the Regular Meeting at 8:54 P.M.

Terry J. Pienta, Town Clerk