

TOWN OF PENDLETON
December 8, 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 8th day December 2014 at 8:00 P.M.

REGULAR MEETING

Supervisor Riester called the meeting to order at 8:02 P.M.

Motion by Councilman Leible. seconded by Councilman Fischer, to move to Executive Session regarding pending litigation. Motion carried.

Motion by Councilman Leible. seconded by Councilman Fischer, to adjourn from Executive Session and resume the Regular Meeting at 8:08 P.M. Motion carried.

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

Also present were:

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

There were approximately 100 residents and Tom Prohaska from the Buffalo News was in attendance.

Amendments-additions-deletions to Agenda

ADDITIONS:

- Authorization to renew 2 year contract with BIDUREENERGY
- Rescind previously awarded Trail Bid

DELETIONS:

- Agenda Item #1 interpretation of permitted uses pending litigation per advise from the Town Attorney

RESOLUTION 136 - 14

REMOVE AGENDA ITEM

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

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

Nays 0

Resolved to remove agenda item #1 - interpretation of permitted uses pending current litigation.

COMMENTS ON AGENDA ITEMS

Supervisor Riester explained that at this time only comments would be received on Agenda Items. Time is set aside for open discussions on any items the public would like to discuss.

ROUTINE BUSINESS

RESOLUTION 137 - 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 for the Regular Meeting November 10th and Work Sessions held on October 27 and November 4th be approved as submitted by the Town Clerk.

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

General Fund	\$	30,695.01
Highway	\$	16,801.67
Water	\$	50,433.74
Sewer	\$	10,221.07
Refuse	\$	34,609.65
Farmer's Market	\$	1,192.25
Trust & Agency	\$	912.60
Fire Protection District	\$	3,477.15

OTHER REPORTS

Supervisor Riester reported that the sales tax collected for the month of October was \$125,950.89, this is compared to \$124,712.76, an increase of \$1,238.13 from October 2013. The year to date received is \$1,352,614.12 which is an increase of \$4,881.28 from 2013. He also reported that several residents from the areas where NYSEG is considering an extension of their gas lines have received their informational packets but not all the residents. NYSEG has told him that all mailings will be delivered in January and that those that have received them already have called and requested them. He also reported that the larger 95 gallon totes have been received and will be delivered to the people that have requested them.

Councilman Leible read some of the highlights from the Highway Department's report. Some of their jobs for the month of November include the plowing and salting roads as needed, repaired equipment as needed, chipped brush, repaired a sink hole in Kriston Lane, brush hogged off road ditches, staked plow routes and a loader and a couple men were

sent to Erie County to help them clear some of the roads. Councilman Leible also reported that the Building Department issued 11 permits; fees received were \$435.00. 12 violations were issued in the month of November, 8 remain outstanding and there are 10 violations outstanding for the year.

Councilman Morrison thanked Departments heads, all the employees in the departments, the woman in the offices, Boards and Committees for all the work that they do throughout the year and wanted them to know that they are appreciated.

Councilman Fischer reported that Local Scout Troops #47 and Troop #98 did their annual food drive for the community which is housed out of St. Paul's Church but involves a group of five churches. He thanked everyone for their help and contributions he said that Pendleton has always been generous with their contributions.

Councilwoman Jarvis reported that the Wendelville's Ladies auxiliary also helped out with the food drive. The auxiliary is also helping two families have a better Christmas. They are not informed of the names but are given a list of things to help them have a nice Christmas.

Engineer Dave Britton – nothing new to report

Attorney Claude Joerg – reported that the additional applications that were filed with the DEC for the Equate product have been withdrawn.

NEW BUSINESS

RESOLUTION 138 - 14

BOARD OF ASSESSMENT REVIEW

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

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

Resolved to reappoint Diane Hazelet to a five year term to the Board of Assessment Review that will expire September 30, 2019.

RESOLUTION 139 - 14

AUTHORIZATION TO ATTEND THE ANNUAL ASSOCIATION OF TOWNS CONFERENCE/DELEGATE

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

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

Resolved to authorize the Supervisor to attend the annual Association of Towns conference and to designate the Supervisor as the Town's voting delegate for the Annual Business Session to be held on the 18th of February.

Supervisor Riester asked for authorization to renew the contract with BIDURENERGY. The Town has been under contract for the past 2 years and has experienced a savings of \$2,000.00 on the Town's electric bills.

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RESOLUTION 140 - 14

RENEW 2 YEAR AGREEMENT

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 sign a two year agreement with BIDURENERGY.

A complaint was filed with the Department of Transportation (DOT) claiming that the Town awarded the Rails to Trails Engineering contract to a company that was not qualified to do the job. The DOT suggested that the Town rebid the proposal.

RESOLUTION 141 - 14

RESCIND PREVIOUS AWARDED TRAIL BID

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

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

Resolved to rescind the previously awarded bid for the engineering for the Town's remaining portion of the Rails to Trails.

PUBLIC REMARKS/COMMENTS

Questions and concerns regarding the removal of the agenda item for the Town Board interpretation of permitted uses regarding the motor cross track located on Tonawanda Creek Rd. Some of the issues/concerns:

- Length of time the pending litigation will take
- Neighbor issue – should be able to compromise
- Code enforcement – who gives him the right to issue violations
- What is the process that the Code Enforcer follows
- No place for the kids to practice

BOARD MEMBERS DISCUSSION

Motion by Councilman Morrison, seconded by Councilman Fischer to schedule a Work Session for December 29th at 6:00 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilwoman Jarvis to adjourn at 8:56 P.M. Motion carried.

Terry J. Pienta, Town Clerk