



from 2016. He also reported that there is a brief refuse survey placed on the website asking for the public's input regarding the use of Town provided refuse bins. The information will help the Board decide whether or not to proceed with the implementation of the large totes and to determine if there would be a cost savings for the Town. He thanked Councilman Leible, the Highway Department, Engineer Britton, and Wendelville Fire Company for all their efforts so that the Town could continue to have the Fireworks display for the 4<sup>th</sup> of July. Because of the changes in regulations that did not allow for the fireworks to continue to be launched at the usual site in the Town Park everyone worked hard with the DEC to allow for the Town property on Feigle Road to be used as the launching site. He also announced that the Town will be receiving additional funding from New York State (\$111,998.75) for the handicap accessible playground for the rubber flooring. This is in addition to the \$150,000.00 received to purchase the playground equipment.

## **OTHER REPORTS**

**Councilman Leible** thanked Engineer Britton for the help in securing the authorization for the launching of the Fireworks. He also thanked the Highway Department, Water-Sewer Superintendent Argo, and the two constables. The constables were able to keep the cars off the shoulder of the road on Feigle Road. Everything went well; the only complaint was that there was not enough food to be purchased. The Historical Society sold roast beef. PABA is considering selling hot dogs and hamburgs next year.

**Councilman Fischer** agreed that everything worked out well for the 4<sup>th</sup>. He reported that the Highway Department chipped brush for 10 days, started cleaning the Irish Road ditch, installed a 20 foot pipe on Aiken Road, repaired a 'cave in' in the back of Iroquois Road, installed "no parking" signs at Uncle G's area, repaired a shoulder on Aiken Road with pipe and stone, finished mowing road side ditches, milled shoulder on Beach Ridge for the new subdivision, repaired a bubbler in Pendale; laid top soil, seeded and finished most of the landscaping at the Tan Tara ditch from the pipe work completed last fall, delivered Summer Rec supplies to Starpoint, maintained parks, cemeteries, athletic fields and prepped the park for the 4<sup>th</sup> of July and cleaned up the following day, installed the new picnic tables, laid millings at the driveway on Feigle Road for the fireworks, rolled parts of the field to prep for the launching of the fireworks, stripped the parking lot at the Wendelville Soccer Field, and replaced a 20 foot pipe on Campbell Blvd. Shared services for the month of June included using Cambria's chipper all month, hauled for Cambria; one man, one truck for two days, hauled for Wheatfield; one man, one truck for two days, hauled for Porter; one man, one truck for four days, hauled for Royalton; one man, one truck for two days, and used Niagara County's roller for one day. He also reported that the Sewer Department responded to 17 regular time calls, 4 overtime calls, 6 pressure sewer breaks, 7 total grinder pump updates completed 7 sold home compliance inspections, cut down 25 Gravity sewer rises, 6 open sewer and water trench inspections completed for new homes, 6 recycle totes delivered, sanded and painted Pendale Pump Station, and completed 78 Underground utility stakeouts. The Water Department pushed water service under roads and tapped water mains for 2 new homes, changed 1 water meter reader to an Orion reader, 8 final reads, 6 new home water meters installed, wrapped and stacked electronic recycle items as needed, dug up and repaired 3 water main valve boxes, weed wacked around fire hydrants that needed it, and grubbed out trees around 3 fire hydrants. He also reported that he met with Councilman Ostrowski and grant writer Nathan Taylor to work on the grant for the enhancements of the Town's trail.

**Councilwoman Jarvis** reported that on Saturday the 15<sup>th</sup> there will be a Park Shelter dedicated in Robert Kramer's honor by the Pendleton Lions Club. He was a Charter member of the Lion's Club. The dedication is scheduled for 9:00 AM. She also reported that there will be a picnic for the blind on Sunday the 16<sup>th</sup> at the Five Senses Park located in Wheatfield from 1:00 P.M. to 6:00 P.M. She reminded everyone that the Wendelville Car Show and basket raffle will be held August 12<sup>th</sup>. The Taste of Lockport will be held on August 13<sup>th</sup>.

**Councilman Ostrowski** asked for a moment of silence for the recent fatal shooting of a New York State Trooper on July 9<sup>th</sup>. He wanted to bring awareness of the dangers that law enforcement face each and every day. He thanked Councilman Leible for the 4<sup>th</sup> of July celebration. He reported that the Summer Rec program started, his children are enrolled and

enjoyed their first day. He briefly spoke about the grant application for the trail enhancements.

**Engineer Britton** – Supervisor Maerten reported for Engineer Britton that the FEMA Flood mapping is moving along. He also reported that the paper work involved with the Fisk Road project has been moving along.

**Claude Joerg** – nothing to report

## **DEPARTMENT HEADS**

**Building Inspector Tim Masters** reported that he issued 47 permits for the month of June. There are a total of 149 active permits with another 6 projects at the review stage. He went on 57 on-site inspections in June. Seven new single home permits were issued; this brings a total of 35 single family homes being constructed. The Building Department has been working with residents on maintenance issues and there are 11 violations still outstanding. He attended Part 3 of Code Enforcement officer training June 27 – June 29. The next training sessions are schedule; two in August and one in September.

**Water-Sewer Superintendent Jim Argo** – nothing to report

**Assessor Kelli Coughlin** – Reported that she attended several classes in Batavia for training. One class was an introduction to valuation and another class reviewed the updates on the various exemptions that are offered. She also reported that the final Tax Roll is available on line or a hard copy can be reviewed in her office. She also reported that there were 20 sales for the month and she was working on assigning addresses for the new homes being built.

**Budget Officer Don Bergman** reminded everyone that he will be delivering the annual budget forms next month. He reminded everyone that he would like as much detail as possible.

**Councilman Leible** addressed a rumor that the Town Board made the decision to move the fireworks across the street. The rumor is not true. The Federal Government regulations would not allow the Town to continue launching the fireworks from the Town Park. The previous location was too close to a fuel tank. The Town could not move the launching to the other end of the park as there was a nitrogen tank located on the Pivot Punch property. The company that is contracted for the fireworks are required to take pictures and measurements and send them out to be reviewed. The previous location would not have passed. That left two choices; moving the launching site or cancel them all together. Supervisor Maerten also explained that a lot of time and effort went into exploring various alternatives to be able to continue with the annual fireworks.

## **NEW BUSINESS**

Supervisor Maerten asked for a motion to adjourn for an Executive Session for a personnel matter.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn to Executive Session to discuss a personnel matter with Water-Sewer Superintendent Argo and Attorney Claude Joerg 7:27 P.M. Motion carried.

Motion by Councilman Fischer, seconded by Councilman Leible, to adjourn from Executive Session and resume the Regular Meeting at 8:11 P.M. Motion carried.

RESOLUTION 124 - 17

### **APPOINT MARGARET (PEGGY) GIBERSON AS DEPUTY REGISTRAR**

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

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

Resolved to appoint Margaret (Peggy) Giberson as Deputy Registrar to replace Doreen Genet who retired in April.

RESOLUTION 125 - 17

**APPOINT STEPHANIE CHASE AS DEPUTY TOWN CLERK**

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

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

Resolved to appoint Stephanie Chase as Deputy Town Clerk to replace Doreen Genet who retired in April.

Supervisor Maerten explained that the Town would like to adopt the National Intergovernmental Purchasing Agreement. This is similar to State Bid Purchasing and is used as another option for Municipalities and School Districts.

RESOLUTION 126 - 17

**NATIONAL INTERGOVERNMENTAL PURCHASING AGREEMENT**

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

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

Resolved to adopt the National Intergovernmental Purchasing Agreement as an additional option for purchasing items.

Supervisor Maerten reminded everyone that last year's state grant of \$150,000.00 was for the purchase of handicap Accessible playground equipment. He asked for a motion for authorization to sign for the purchase of the equipment which will be 100% reimbursed to the Town through the grant.

RESOLUTION 127 - 17

**APPROVAL TO PURCHASE HANDICAP ACCESSIBLE EQUIPMENT**

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

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

Resolved to authorize the purchase of various handicap accessible Playground Equipment through Landscape Structures Inc. (Delano, MN) for \$150,000.00.

An additional grant received will be used to purchase the Dura Turf which is 100% recycled shredded rubber for \$111,008.75 from Sport Surface Specialties in East Aurora NY.

Supervisor Maerten would like the authorization to sign for the purchase of the matting, which will be 100% reimbursable to the Town through the grant.

RESOLUTION 128 - 17

**NEW YORK STATE GRANT AWARDED FOR THE PURCHASE OF DURA TURF (RUBBER MATTING) FOR THE HANDICAP PLAYGROUND**

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

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

Resolved to authorize the purchase of Dura Turf (rubber matting) for the handicap accessible playground for \$111,998.75 from Sport Surface Specialties.

RESOLUTION 129 - 17

**RESOLUTION FOR NIAGARA COUNTY HAZARD MITIGATION PLAN**

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

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

WHEREAS, Town of Pendleton, with the assistance from Witt O'Brien's, has gathered information and prepared the Niagara County NY Hazard Mitigation Plan; and  
WHEREAS, the Niagara County NY Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and  
WHEREAS, The Town of Pendleton NY is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the

Plan; and

WHEREAS The Town of Pendleton NY have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Town Board that The Town of Pendleton NY adopts the Niagara County NY Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to use its best efforts to execute the actions in the Plan within present budgetary restraints as imposed by the tax cap.

RESOLUTION 130 - 17

**CFA RESOLUTION – GRANT FOR TRAIL ENHANCEMENTS**

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

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

Resolved that Mr. Joel Maerten, as Supervisor of the Town of Pendleton, is hereby authorized and directed to file an electronic Consolidated Funding Application for funds in accordance with the endorsement standards set forth by the New York State Regional Economic Development Councils, to provide matching funds in an amount no less than 20% of the approved funding and, upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the Town of Pendleton for the proposed Pendleton Rails to Trails Improvement Project through the New York State Office of Parks, Recreation and Historic Preservation - Recreational Trail Program.

RESOLUTION 131 - 17

**APPROVAL FOR CONSTABLES FOR HOME & FARM DAYS**

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

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

Resolved to authorize the use of Town Constables for the Pendleton Farm and Home Days Celebration (August 18 and 19) not to exceed 32 hours.

Clerk Pienta explained that the New York Retirement system has requested a correction for two individuals that were reported as on the Standard Work Day and Reporting Resolution from 2016 should be written using hours/days per month rather than days that are credited per year.

RESOLUTION 132 - 17

**WORK DAY RESOLUTION CORRECTION**

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

ADOPTED      Ayes 5      Maerten, Leible, Fischer, Ostrowski, Jarvis  
                         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	Standard Work Day	Term	Days/Mo
Bd of Appeals	Wolfgang Buechler	8 hrs	01/01/2014 – 12/31/2018	1.27 days/mo
Bd of Appeals	Lee Daigler	8 hrs	01/01/2016 – 12/31/2020	.75 days/mo

Councilman Leible received estimates for the cost to install bird netting on all three shelters.

<b>Prostar Pest Services</b>	<b>\$8,100.00</b>
Rentokil	\$12,635.00
Pest Control Specialists	\$20,000.00

RESOLUTION 133 - 17

**INSTALLATION OF BIRD NETTING**

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

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

Resolved to select Prostar Pest Services for the installation of bird netting for the three shelters in the Town Park for \$8,100.00.

RESOLUTION 134 - 17

**DECLARE AS SURPLUS HAND HELD METER READER**

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Ostrowski, Jarvis  
Nays 0

Resolved to declare the trace hand held meter reader as surplus and donate it to the Town of Lewiston.

RESOLUTION 135 - 17

**DECLARE MILLINGS SURPLUS TO SELL**

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Ostrowski, Jarvis  
Nays 0

Resolved to declare surplus millings to be sold at the least cost of disposal/delivery within the Town of Pendleton.

RESOLUTION 136 - 17

**AUTHORIZE THE SUPERVISOR TO SIGN PROOF OF LANDLORD**

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Ostrowski, Jarvis  
Nays 0

Resolved to authorize the Supervisor to sign a Landlord authorization form for a vendor to sell alcohol on the Town's property during the Farm and Home Days upon proof of the proper insurance.

**PUBLIC COMMENTS/COMMENTS**

Jonathan Alper from Alper & Associates Consulting introduced himself to the Town Board. His company has been hired by Victory Christian Church to research and make proposals for their property. He looks forward to working with the Town on behalf of his clients.

Ann Marie Reeb asked for clarification regarding the grant money to be awarded for the Handicap Accessible Playground. Supervisor Maerten said that the state awarded two separate grants for the project. She also asked if the Town has been given a date to begin the Fisk Road project. Supervisor Maerten explained that there is a long process involved including hiring Engineers and there is quite a list of paper work going back and forth. They are hopeful to begin in 2018 but it may not start until 2019. Ann Marie also commented that she thought the Fireworks were great this year.

James Sacco mentioned that he questions the increase in his tax bill for 2017. He asked what benefit did the tax increase have for the residents of the Town and he asked how the taxes compare to other Towns. He said that the first question was answered in a recent Town newsletter but the second question was not answered. He also feels that the increase was quite significant and he is concerned what increases there may be in the future. Supervisor Maerten responded that there are many things in Town that have been let go. The Highway Department was hit the hardest; ditching, paving and old equipment to name a few things. He explained that there were other lines on the tax bill that actually went down. His personal tax bill increased by \$5.00. He has not received any complaints from anyone else. He read from a list of several local municipalities that have similar equalization rates:

Pendleton	0.439727
Cambria	2.068833
Somerset	0.797281
Wilson	3.105

He hopes that he has answered all of his questions.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn to Executive Session to discuss personnel and litigation with the Town Attorney at 8:29 P.M. Motion carried.

Regular Meeting  
July 10, 2017

Motion by Councilman Fischer, seconded by Councilman Leible, to adjourn from Executive Session and the Regular Meeting at 8:45 P.M. Motion carried.

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Terry J. Pienta, Town Clerk