

TOWN OF PENDLETON
March 10, 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 10th day March 2014 at 8:00 P.M.

Supervisor Riester called the meeting to order at 8:07 P.M.

Supervisor Riester asked for a moment of silence for Clerk Pienta's husband Eugene, who passed away in February.

William Rott led the salute to the flag.

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

Also present were:

Terry Pienta	Town Clerk
Claude Joerg	Attorney
Dave Britton	Town Engineer
Jim Argo	Water/Sewer Superintendent
Dave Gerber	Building Inspector
Jeff Stowell	Highway Superintendent

There were approximately 35 students and residents in attendance.

COMMUNICATIONS

Clerk Pienta read the highlights of an email she received from past Councilman Joseph Frawley. In the email he asked the Board to consider holding off their decision of reinstating the previous Board's decision to eliminate the Niagara County Snow & Ice contract. He is prepared to request 3 – 4 years of records at his own expense to demonstrate to the Town Board that the Town is not profiting from this work and he feels it is creating a situation where the taxpayers are being cheated.

ROUTINE BUSINESS

RESOLUTION 46 - 14

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the work session held January 21st be approved as submitted by the Town Clerk.

Supervisor Riester reported the total expenditures that were authorized and paid in the month of February.

General Fund	\$	31,743.14
Highway Fund	\$	38,315.86
Water	\$	7,019.34
Sewer	\$	4,009.17
Refuse	\$	33,986.39
Fire Protection District	\$	338.08

OTHER REPORTS

Supervisor Riester reported that the sales tax collected for the month of January was \$124,109.92. This is compared to \$116,791.74 for January 2013, an increase of \$7,318.18. He also reported the Town's accountants Lumsden & McCormick have been compiling the information for the Town's annual report that is filed with the state.

Councilman Leible reported that the Building Department issued 5 violations in the month of February and 11 remain outstanding. They also issued 3 building permits. The revenue received for the permits was \$220.00. He also reported that he completed Judge Murphy's audit and has filed the results in the Town Clerk's Office. The Highway-Water Sewer Department audit was completed but the written report for filing was not.

Councilman Morrison reported that the Summer Recreation program will begin July 8 and run through August 15. Sign-ups for the program will be Saturday May 10th and May 24th from 9:00 am to 12:00 pm. Details will be in the spring newsletter. The annual Town Wide Garage Sale will be May 30th and 31st. On March 27th there will be a meeting with the Conservation Board and the Trail Committee to discuss the trail system. Everyone is invited to attend and share their thoughts for the last portion of the Town's trail (Meyer Rd. to Townline Rd.) He also reported that the first pick up for the Town's electronic waste was collected. There was a total of 17 pallets of electronic waste.

Councilman Fischer reported that he completed the Town Clerk's annual audit and it is on file in the Town Clerk's Office. He also reported that he recently attended the play at Starpoint School. He said the students did an awesome job and the stage setup was amazing.

Councilwoman Jarvis reported that she completed Judge Maziarz's annual audit and it has been filed in the Town Clerk's Office.

Engineer Britton reported that FEMA has received funding for the approved modification that the Town has been pursuing. The modification was approved last year but the funding for the remapping was not. When the remapping is complete the Town will be notified and a Public Hearing will be scheduled. He also reported that the DEC has approved the I & I offset list that was submitted for the Heizenreiter subdivision.

Attorney Joerg requested an Executive Session for litigation at the end of the meeting.

NEW BUSINESS

RESOLUTION 47 -14

NIAGARA COUNTY SNOW & ICE CONTRACT

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

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

Whereas, under §135-a of the Highway Law, the Town Board is empowered to enter into written contracts with the Commissioner of Public Works acting as County Superintendent of Highways for the removal of snow and the sanding and treatment of pavement for ice control purposes, for three (3) year; and

Whereas, such contracts have been negotiated by the Town Superintendent of Highways at the actual cost incurred by the Town per mile for removal of snow from County roads, and control of ice at the actual cost incurred by the Town; therefore, be it, and it hereby is Resolved, that the Town Highway Superintendent of the Town of Pendleton be empowered as an agent of the Town Board to enter into the attached Ice Control and Snow Removal Contracts with the Commissioner of Public Works acting as County Superintendent of Highways for a period of three (3) year.

RESOLUTION 48 -14

AUTHORIZATION TO MAIL PAYMENTS TO VENDORS

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

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

Resolved to authorization to mail payments to the vendors that were previously placed on hold.

RESOLUTION 49 – 14

PROCUREMENT POLICY

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

ADOPTED: Ayes 4 Riester, Morrison, Fischer, Jarvis
 Nays 1 Leible

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law; and WHEREAS, comments have been solicited from those officers of the town involved with procurement;

NOW THEREFORE BE IT RESOLVED, that the Town of Pendleton does hereby adopt the following procurement policies and procedures:

Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML Section 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter purchaser) shall estimate

the cumulative amount of the items of supply or equipment needed in given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

All purchases of:

- Supplies or equipment which will exceed \$10,000 in the fiscal year or
- Public Works contracts over \$35,000 shall be formal bid pursuant to GML Section 103.

All estimated purchases of:

- Less than or equal to \$10,000 but greater than \$3,000 require a written request for a proposal (RFP) and written/fax quotes from 3 vendors;
- Less than or equal to \$3,000 but greater than \$500 requires an oral request for the goods and oral/fax quotes from 2 vendors;
- All purchases of greater than \$500 require written approval of the Department Head and two Council Members plus 3 quotes of 3 vendors;
- Less than or equal to \$500 is left to the discretion of the purchaser.

All estimated public works contracts of:

- Less than or equal to \$35,000 but greater than \$10,000 require a written RFP and fax/proposals from 3 contractors;
- Less than or equal to \$10,000 but greater than \$3,000 require a written RFP and fax/proposals from 2 contractors;
- Less than or equal to \$3,000 is left to the discretion of the purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- Acquisitions of professional services;
- Emergencies;
- Sole source situation;
- Goods purchased from agencies for the blind or severely handicapped;
- Goods purchased from correctional facilities;
- Goods purchased from another governmental agency;
- Goods purchased at auction;

- Goods purchased for less than \$500;
- Public works contracts for less than \$3,000.

The following individuals are responsible for purchasing: Supervisor, Supervisor's Secretary, Town Clerk, Deputy Town Clerk, Assessor, Town Justices, Council members, and Department heads. Any other employee making purchases shall act subject to the direction of the Department Head responsible for purchasing.

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as in reasonably practicable.

RESOLUTION 50 -14

RESOLUTION AGAINST PAID COLLEGE EDUCATION FOR PRISONERS

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

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

WHEREAS, the purpose of prison is to punish those who have engaged in behavior that is morally and legally wrong, dangerous, threatening, or severely antisocial, including murder, rape, theft, and distribution of narcotics, among other serious crimes, and WHEREAS, incarcerated individuals represent a continued threat to society, and are not deserving of rewards, but rather punishment for their actions, and

WHEREAS, Governor Andrew M. Cuomo did, on February 16, 2014, propose providing this deranged segment of society with taxpayer-funded college tuition, a benefit unavailable to the children of the productive, law-abiding taxpayers who will be forced to finance Mr. Cuomo's scheme, and

WHEREAS, Governor Andrew M. Cuomo expressed no concern for the educational opportunities lost by many of the victims of the hardened criminals he wishes to treat as valued members of society, most notably those who were murdered by such criminals, and WHEREAS, Mr. Cuomo has estimated the cost of his program 'at \$5,000 per inmate, an obscene sum when contemplated as a reward for society's worst members, and WHEREAS, Mr. Cuomo has a history of cavalierly dismissing prison's role in administering justice in favor of some notion of "rehabilitation," as he demonstrated by failing to respond to the murder of a Lockport youth home worker, and

WHEREAS, such college tuition programs have been absent in New York State since the departure of Mr. Cuomo's father as governor, having been discontinued by the Honorable George E. Pataki during the first year of his administration, and

WHEREAS, the Town Board of the Town of Pendleton endorses the notion that prison is punishment, and convicted inmates are undeserving of rewards, now, therefore, be it RESOLVED, that Town Board of the Town of Pendleton considers Governor Cuomo's proposal and outrageous insult to the law-abiding taxpayers of this state and county, and be it further

RESOLVED, that the Town Board of the Town of Pendleton does hereby call upon its representatives in, and the leadership of, the New York State Senate and Assembly to reject this radical proposal and similar liberal meddling with the institution of justice, and be it further

RESOLVED, that the Town Board of the Town of Pendleton calls upon Governor Cuomo to withdraw this proposal and apologize to those families that have been hurt by the very prison inmates he is attempting to coddle, and be it further

RESOLVED, that the Town of Pendleton shall forward copies of this Resolution to Governor Cuomo, Senate Vice President Pro Tempore George D. Maziarz, Senate Temporary President Dean G. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Senate Majority Coalition Leader Jeffrey Klein, Member of the Assembly Jane L. Corwin, Member of the Assembly John D. Ceretto, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimminger, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

PUBLIC REMARKS/COMMENTS

Councilman Morrison reported to the Board that a large garage door at the Highway Garage is broken. Estimates are being compiled for repairing it and replacing it.

Water-Sewer Superintendent Argo reported that the annual water report has been completed and will be forwarded to the printer to be included in the Spring Newsletter.

A resident on Tonawanda Creek Rd. asked if anything has been discussed regarding the ditch that runs along the back of his property and alongside the Pendale subdivision. Superintendent Stowell said he was willing to shoot grades to see if cleaning out the ditch would help. Then he would ask the County if they would be willing to clean out their right of way as a "shared service" project.

Mr. William Rott reported that the first meeting of the newly formed Committee for Veterans of the Town of Pendleton was held previous to this meeting. Sixteen vets were in attendance. A second meeting has been scheduled for April 16th. He also reported that there are 991 residents that are veterans.

BOARD MEMBERS DISCUSSION

Motion by Councilman Morrison, seconded by Councilman Leible to schedule a Work Session for Monday, March 24th 7:00 P.M. Motion Carried.

Motion by Councilman Morrison, seconded by Councilman Leible to adjourn to Executive Session for litigation at 8:55 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Morrison to adjourn from Executive Session and the Regular Meeting at 9:10 P.M. Motion Carried.

Terry J. Pienta, Town Clerk