

**TOWN OF PENDLETON
REGULAR MEETING
November 14, 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 14th day November 2016 at 7:00 P.M. A Public Hearing was scheduled for 6:30 P.M. for the proposed 2017 Preliminary Budget. The notice of the Public Hearing was published in the Lockport Union Sun & Journal on November 7th 2016.

PUBLIC HEARING

Supervisor Maerten opened the Public Hearing at 6:30 P.M.

Budget Director Don Bergman reviewed the Preliminary Budget line by line allowing for any questions or comments after each section of the Budget. He explained each of the increases or decreases.

- General Fund Appropriations:
- Revenue:
One resident asked about the money that has been allocated for the trail extension (\$610,000.00). Supervisor Maerten explained that \$480,000.0 was grant money and the \$130,000.00 Town share will be transferred from the Green Fee money. He also explained that the original grant application was to complete the trail from Meyer Road to Townline Road but the funds will not be enough to cover the entire length. If the Town does decide to proceed with the project it needs to be started in 2017.
- Highway Fund Appropriations:
- Revenue:
- Water Fund Appropriations:
- Revenue:
- Sewer Fund Appropriations:
- Revenue:
- Refuse Fund Appropriations:
- Revenue:
- Wendelville Fire Company :
- Revenue:

There were no additional questions.

Motion by Councilman Leible, seconded by Councilman Fischer to close the Public Hearing at 7:21 P.M.

REGULAR MEETING

Supervisor Maerten opened the meeting at 7:35 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
Jeff Stowell	Highway Superintendent
James Argo	Water/Sewer Superintendent

There were approximately 15 residents in attendance.

AMENDMENTS/ADDITIONS/DELETIONS

None

COMMUNICATIONS

Clerk Pienta announced that Doreen Genet, Deputy Town Clerk will be retiring on April 15, 2017. This will be her last day of full time service but will be willing to work part-time if needed. She has worked for the Town of Pendleton for 20 years. She will definitely be missed.

ROUTINE BUSINESS

RESOLUTION 126 - 16

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the Regular Meeting held on October 10th and Work Session held on October 24th be approved as submitted by the Town Clerk.

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

General Fund	\$ 105,623.01
Highway	\$ 49,779.54
Water	\$ 77,652.74
Sewer	\$ 8,616.30

Refuse	\$	35,357.51
Trust & Agency	\$	26,770.08
Fire Protection	\$	3,250.00

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for the month of September 2016 was \$162,902.78 which is an increase of \$6,553.08 from 2015. Year to date total is \$1,205,521.98 that is a decrease of \$18,204.93 from 2015. He also announced that the Department of Transportation has agreed to lower the speed limit on Fisk and Fiegle Roads from 55 MPH to 45 MPH. He thanked the citizens, Niagara County Legislator Tony Nemi, Senator Ortt, Assemblyman Walter for their letters submitted of support to lower the speed limit. He also reported that the Town of Pendleton is on the list for the Department of Transportation for full funding of Fisk Road. He gave credit to Superintendent Stowell who has been pushing for funding of this road for several years.

Councilman Leible thanked the Veteran's Association for a very nice ceremony on Veteran's Day. He also reported that Scout Wyatt Kneepel completed his Eagle Project in time for the Veteran's Day Ceremony. He has a couple of minor items to complete and the installation of a couple of benches to be placed around the memorial. He also asked everyone for their articles for the winter newsletter by Monday, November 21st. The printers would like to have it mailed before the holidays.

Councilman Fischer reported that the Highway Department chipped brush for 2 days, worked with the contractor to pipe Town Ditch #1 by Tan Tara, patched potholes around town, expanded the turnaround at the end of Creekview Drive making an area on the east side to push snow, dug out the lawn for the sidewalk for the Eagle Scout's project, worked on brush overgrown and dirt piles along the path from Meyer to Killian Roads, finished mowing roadside and off side ditches, maintained parks and cemeteries and repaired equipment as needed. He also reported on several scout troops in the area and the various projects they have done. He also said that the scouts had their food drive on Saturday and as usual the Town of Pendleton is very generous with their donations.

Councilwoman Jarvis reported that the Pendleton Lions Club will be having their Christmas Party at Tan Tara December 2nd tickets are available if anyone is interested. She also announced that the Historical Society will be having their annual cookie sale at the Historical cabin on December 10th from 9:00 A.M. to 3:00 P.M.

Councilman Ostrowski thanked Doreen for her years of service and recalls that whenever he came in the Town Hall he was always greeted with a smile. He reported that there were 6 violations issued, 5 remain outstanding. There are 15 violations that remain outstanding for the year. There were 28 Building Permits issued in the month of October, for total revenue of \$2,400.00. Several of the permits issued were for accessory building and reroofs. The Board has requested a canvassed certified list from Civil Service of candidates so the Board can begin the process for replacement of Dave Gerber upon his retirement. He also mentioned that the Fiegle Road parking lot for the Canal Trail has been completed. It has the space for at least 10 cars. He said that he feels the Town Board and the Canal Corp continue to have good communications. The installation of mile markers will be the next

step. These will help in aiding rescue crews to locations along the trail should the need arise. He noted that he will be meeting with Niagara County Public Works to discuss the feasibility of a cantilever bridge along Lockport Road for the Towns Trail to meet up with the States Canal Trail which was one of the options presented previously for the grant money for the Towns Trail. Supervisor Maerten said that he has been quite surprised at the working relationship with Niagara County Departments, Canal Corp, the DOT, Senator Ortt's Office, and Legislator Nemi. He really gets the feeling that the various offices are trying to help out in any way that they can.

Engineer Dave Britton reported that the Water Tank project has been completed and they received the Health Departments approval to put the tank back into service. He said they did a great job and will share some of the pictures of the interior of the tank at the work session. He also reported that FEMA is still in the period of review. It is still about 6 or 7 months away from final adoption.

Attorney Claude Joerg reported that he has been working on the draft for solar panels with Dave Britton. He noticed one item that was not addressed in the draft, that the Town Board discussed, was what happens to the panels at the end of their life. The life expectancy is 25 to 30 years. The concerns are that the panels have cadmium and lead in them and are harmful to the environment and they are eyesores for the community. The cost to remove a 2 megawatt solar panel system can cost approximately \$100,000.00. So who would be responsible for the removal? He sent some ideas to Engineer Britton that will be reviewed with the Town Board. A couple of ideas would be a letter of credit or a bond in place to protect the Town. This would not affect individual homeowners just the solar panel farms.

Department Heads

- **Water-Sewer Superintendent** confirmed that the water tower will be back in service. There is an insulation issue to be discussed.
- **Highway Superintendent** reported that his department was doing some work on the bike path cleaning up a ditch in the area of the bike path but it had nothing to do with the bike path itself. He also reported that Wheatfield has a lift bucket and they were able to fix the Town's flag pole. Just another part of shared services that all the Town's are involved in.
- **Assessor Kelli Coughlin** reported that she has finalized the information that the County needs for the taxes. She also reported that she attended a class on Solar Panels. She also has a class scheduled to attend about critiquing an appraisal.

NEW BUSINESS

Supervisor Maerten explained that the Preliminary Budget presented during the Public Hearing had a few changes from the Budget that was posted to the website. The changes do not affect the bottom line but need to be passed and accepted by the Town Board.

RESOLUTION 127 - 16
AMEND GENERAL FUND

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

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

Resolved to increase Budget Line A 1620.02 Central Garage Fixed Asset from \$3,000.00 to \$18,000 (\$15,000.00) and increase Budget Line A 1120 Non Property Tax Distribution by County from \$910,000.00 to \$925,000.00 (\$15,000.00).

RESOLUTION 128 - 16

AMEND GENERAL FUND

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

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

Resolved to increase A 7550.04 Celebrations Contractual Expense from \$11,000.00 to \$12,000.00 (\$1,000.00) and decrease A 1220.04 Supervisor Contractual from \$3,000 to \$2,000.00 (\$1,000.00).

RESOLUTION 129 - 16

AMEND HIGHWAY FUND

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

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

Resolved to decrease DA 5110.04 General Repairs Contractual from \$150,000.00 to \$135,000.00 (\$15,000.00) and decrease DA 1120 Non Property Tax Distribution by County from \$749,000.00 to \$734,000.00 (\$15,000.00).

RESOLUTION 130 - 16

AMEND THE FOLLOWING FUNDS

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

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

Resolved to transfer the following amounts:

- A 5010.011 - Personal Service Secretary Highway increase \$12,800.00 to \$13,400.00 (\$600.00) transferred from General Unexpended Balance
- SW 8310.01 Administrative Personal Service Water increase from \$25,900.00 to \$26,200.090 (\$300.00) from the Water Unexpended Balance
- SS 8110.01 Administrative Personal Service Sewer increase from \$25,900.00 to \$26,200.00 (\$300.00) from the Sewer Unexpended Balance (O&M)

Supervisor Maerten thanked Budget Director Don Bergman for his effort working on the budget with his Secretary Marian, he thanked the department heads for their work. He said they had a number of issues to work with regarding the three people retiring such as providing the money for training; working on other increases the Board can't control such

as health insurance and workman’s compensation while trying to remain under the state’s budget cap and they were successful in that.

RESOLUTION 131 – 16

GENERAL FUND

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

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

Resolved to accept the General Fund Revenue and Appropriations as presented in the Public Hearing; amount to be raised by taxes will be \$.00.

RESOLUTION 133 – 16

HIGHWAY FUND

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

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

Resolved to accept the Highway Fund Revenue and Appropriations as presented during the Public Hearing; amount to be raised by tax will be \$221,434.00.

RESOLUTION 134 – 16

WATER DISTRICT

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

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

Resolved to accept the Water District Revenue and Appropriations as presented during the Public Hearing; amount to be raised by tax will be \$139,508.20.

RESOLUTION 135 – 16

FIRE PROTECTION DISTRICT

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

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

Resolved to accept the Fire Protection District Revenue and Appropriations as presented during the Public Hearing; amount to be raised by tax will be \$498,567.53.

RESOLUTION 136 – 16

REFUSE DISTRICT

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

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

Resolved to accept the Refuse District Revenue and Appropriations as presented during the Public Hearing; amount to be raised by tax will be \$406,522.00.

RESOLUTION 137 – 16

SEWER DISTRICT

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

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

Resolved to accept the Sewer District Revenue and Appropriations as presented during the Public Hearing; amount to be raised by tax will be \$32,616.77.

*The complete Certified Budget for 2016 will be entered in its entirety following the minutes of the meeting.

RESOLUTION 138 – 16

SHOP NIAGARA 2016

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

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

Whereas, the Town of Pendleton would like every resident of Niagara County to understand the positive impact they can have on lowering property taxes by purchasing goods and services within Niagara County.

Whereas, the Town of Pendleton receives a substantial percentage of its operating income from sales tax revenue sharing with Niagara County. A percentage of every purchase made anywhere within Niagara County is shared back to the local Towns, Cities and Villages to operate your government.

Whereas, the Town of Pendleton residents have told us that they want to keep property taxes low, improve the quality of life, grow our business community and shopping choices.

Whereas, the Town of Pendleton understands that by giving our residents this information the residents have it within their power to improve their quality of life, lower taxes and support local business. Every time you make a purchase you have a choice. Purchases made outside of Niagara County improve the lives of others and lowers their tax bills.

Purchasing goods and services within Niagara County improves your life.

Therefore be it resolved that the Town of Pendleton does hereby support the “Shop Niagara” initiative to ask our residents to purchase as many goods and services within the confines of Niagara County as possible. When you make a purchase, choose the option that helps your community and lowers your taxes. Shop Niagara!

PUBLIC REMARKS/COMMENTS

A resident reported that the light at the entrance to the Town Hall has been off and it makes it very difficult to see the driveway. Highway Superintendent Stowell said that he will notify the power company. Supervisor Maerten also asked him if he could add a few more reflectors on both of the “enter” signs located at the entrance.

BOARD MEMBERS DISCUSSION

Supervisor Maerten scheduled a Work Session for November 28th at 7:00 P.M.

Regular Meeting – Public Hearing
November 14, 2016

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn to Executive Session to discuss Personnel and Litigation at 8:10 P.M.

Motion by Councilman Leible, seconded by Councilwoman Jarvis to adjourn from Executive Session and the Regular Meeting at 8:32 P.M.

Terry J. Pienta, Town Clerk