

TOWN OF PENDLETON
November 9, 2015

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 9th day November 2015 at 7:00 P.M. A Public Hearing was scheduled at 6:30 P.M. for the 2016 Preliminary Budget and a second Public Hearing was scheduled at 6:55 P.M. for a transfer of funds.

PUBLIC HEARING #1

Supervisor Riester opened the Public Hearing at 6:33 P.M. The purpose of the Public Hearing was to present the 2016 preliminary budget and to receive comments from the public. The notice was published in the Lockport Union Sun & Journal on November 2, 2015. The Preliminary 2016 Budget was available in the Town Clerk's Office and on the website at www.pendletonny.us.

Budget Officer Don Bergman reviewed the Preliminary Budget line by line allowing for any questions or comments after each section of the budget. He explained increases or decrease during the various sections of the budget. Questions asked:

- Extra cost in the budget line for drainage/contractual – cement blocks will be installed along Town ditch by Tan Tara to stabilize the area, outside help will be needed
- Increase of \$10,000 for Engineer fees – for noise monitoring by the proposed compressor station
- Casino revenue – it was discussed whether it was a one-time distribution or a two year distribution
- Money set aside for road repair last year – work was not done this year but the money is still in the capital account
- The high cost of maintaining the grinder pumps – the figure in the budget (\$95,000.00) is for personnel for the department employees not just servicing the pumps
- If the town provides any social services – it is mandated by the state and is provided at the county level

Motion by Councilman Fischer, second by Councilman Leible to close the Public Hearing at 7:46 P.M. Motion carried.

PUBLIC HEARING #2

A second Public Hearing was scheduled for 6:55 P.M. The purpose if the hearing was to receive public input for the transfer of funds for \$2,900.00 from DA9950.0916 Road Repair to DA5130.02 Fixed Assets for the purchase of a 9 foot snow plow.

Supervisor Riester opened the Public Hearing at 7:47.

Clerk Pienta read the notice that was published in the Lockport Union Sun & Journal on November 2, 2015.

No one wished to be heard.

Motion by Councilman Leible, second by Councilwoman Jarvis to close the Public Hearing at 7:48 P.M. Motion carried.

REGULAR MEETING

Supervisor Riester called the meeting to order at 7:48 P.M.

Supervisor Riester read the invocation and 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
Don Bergman	Budget Director
Kelli Coughlin	Assessor
Claude Joerg	Town Attorney
Ken Smith	Deputy Highway Superintendent

There were approximately 30 residents and 20 Starpoint students in attendance.

ROUTINE BUSINESS

RESOLUTION 147 - 15

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the Regular Meeting held on October 12th and the Work Sessions held on October 19th and 26th be approved as submitted by the Town Clerk.

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

General Fund	\$	43,599.61
Highway	\$	33,655.04
Water	\$	50,778.91
Sewer	\$	16,349.32
Refuse	\$	35,317.24
Farmer's Market	\$	1,333.28

Fire Protection District \$ 5,026.98

OTHER REPORTS

Supervisor Riester reported that the sales tax collected for the month of September was \$156,349.72 this is compared to \$167,665.24 in 2014. This is a decrease of \$10,665.24 from September 2014. The year to date received is \$1,223,726.91 which is a decrease of \$2,936.32 from 2014.

Councilman Leible reported that the Building Department issued eight violations for the month of October, six remain outstanding. The total outstanding violations for the year are twenty. He reported that the Building Department issued thirty-three permits for a total of \$5,615.00 in fees. He also requested that all newsletter articles be given to him by November 25th.

Councilman Morrison reported that Niagara County had shared the cost of a sign for DePeau Park memorializing Eleanor DePeau, former Town Clerk who donated the land where the park is located.

Councilman Fischer reported that the Sewer Department had eight regular time sewer calls and two overtime calls, three pressure sewer break repairs, replaced check valves at the Pendale pump station, six sold home sewer and water compliance inspections, one total grinder pump update, one partial grinder pump update, and delivered recycling totes as needed. The Water Department completed the water meter readings, continued to install Orion meter readers; so far 800 have been installed, two fire hydrant repairs completed, one water box shut off repair, 3 new home water meters installed, three open water and sewer trench inspections and flushed, lubed and operated half of the fire hydrants in Town.

Councilwoman Jarvis - nothing to report.

Engineer Dave Britton reported he recently conducted a training session for the Planning Board and the Zoning Board for part of their annual requirement. He also helped out the Water Department with a hydrant flow testing for the hotel to be built on Transit Rd. He also reported that he has received the report regarding the water tank inspection. He will review it and summarize it for the Board for the next meeting.

Attorney Claude Joerg reported that he has been working on the complaints regarding Tonawanda Sportsman's' Club (TSC) and the shooting that has been going on past sunset as the Town's Code allows. He has corresponded a couple of times with TSC's attorney. Their attorney maintains that the club is grandfathered in from before the code was enacted. The Town Attorney does not agree and has sighted previous case law. The building department will continue to assess violations and he believes it will end up in court for the judge to decide. He has also been involved in meetings regarding the compressor. There is nothing new to report at this time but National Fuel will be meeting with the Building Department in the near future. He also spoke about the recent letter mailed out by the Assessor to the Town's veterans and their exemptions. He wanted to assure everyone that no veteran will be losing their exemption. He said that the some of the veterans have actually seen an increase in their exemption because of changes that have happened since they applied the

first time. He asked that the veterans cooperate with the Assessor so she can update her records.

NEW BUSINESS

During the budget meetings it had been agreed to increase the Attorney's salary by \$4,000.00 from the previous year, removing the money that had previously been in the budget line A1420.0400 Litigation. Attorney Joerg has not billed the Town for litigation and had requested that about be in his salary. The budget shows that only \$3,000.00 was transferred. It should have been \$4,000.00.

RESOLUTION 148 - 15

AMEND BUDGET LINE A1420.0100

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

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

Resolved to amend budget line A1420.0100 Attorney to read \$41,300.00 and line A1420.04100 Contractual Expense to read \$.00.

RESOLUTION 149 - 15

APPROVE THE 2016 BUDGET

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

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

Resolved to approve the 2016 Budget as presented during the Public Hearing but to include the amendment of the budget lines A1420.04100 Contractual Expense and A1420.0100 Attorney (Resolution 148-15).

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

RESOLUTION 150 - 15

TRANSFER OF FUNDS (PUBLIC HEAR #2)

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

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

Resolved to transfer \$2,900.00 from DA9950.0962 Reserves to DA5130.02 Fixed Assets for the purchase of a 9 foot snow plow.

RESOLUTION 151 - 15

APPOINTMENT FOR THE BOARD OF ASSESSMENT REVIEW

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

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

Resolved to reappoint Sandra Masterson to a five year term to the Board of Assessment Review.

RESOLUTION 152 - 15

SCHEDULE OF PUBLIC HEARING FOR CODE AMENDMENT FOR POOLS §222-1 AND §222-2 SWIMMING POOLS

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

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

Resolved to schedule a Public Hearing for 6:55 P.M. December 14th for a Town Code amendment for § 222-01- and §222-2 Swimming Pools.

PUBLIC REMARKS/COMMENTS

A resident reported to the Board that it was her understanding that FERC will be scheduling another scoping meeting. Supervisor Riester said that the Town has not been notified of any date yet. She also reported that National Fuel will be releasing a real estate study about the sale of homes near the other seven National Fuel compressors.

Another resident asked what the Building Department is using for the definition of essential services in regards to National Fuel applying for a permit to build the compressor. She asked if it is their interpretation or is there something they go by, like state law? Attorney Joerg said that the Building Department will follow the law and follow the Town's code. Either side can disagree with their interpretation and present their case to the Board of Appeals.

RESOLUTION 153 - 15

TRANSFER OF FUNDS (TANK REPAIRS)

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 transfer of funds \$2,100.00 from SW.1990.0400 Contingency to SW.8340.0450 Tank Repairs for the recent tank inspection

BOARD MEMBERS DISCUSSION

No Work Session was scheduled for November. The next Town Board meeting will be December 14th.

Motion by Councilman Leible, seconded by Councilwoman Jarvis to adjourn at 8:14 P.M. Motion carried.