

**TOWN OF PENDLETON
REGULAR MEETING
October 10, 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 10th day October 2016 at 7:00 P.M. A Public Hearing was scheduled for 6:55 P.M. for the transfer of funds for the purchase of a dump truck body and salter.

PUBLIC HEARING

Supervisor Maerten opened the Public Hearing at 6:56 P.M.

Supervisor Maerten read the Public Hearing that was published in the Union Sun and Journal on October 3rd 2016. The purpose of the hearing is for the transfer of funds for the purchase of a dump truck body and salter for the Town's new truck that was purchased early in 2016. The total to be transferred will be \$26,926.17 from the Capital Reserves to the Machinery Fixed Assets.

No one wished to be heard.

Motion by Councilman Leible, seconded by Councilman Fischer to close the Public Hearing at 6:57 P.M.

REGULAR MEETING

Supervisor Maerten opened the meeting at 7:01 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

There were approximately 14 residents in attendance.

AMENDMENTS/ADDITIONS/DELETIONS

Items added to the Agenda: Refuse Contract, Wendelville Members

COMMUNICATIONS

Supervisor Maerten announced that the Pendleton Veteran’s Association will be hosting a ceremony for Veteran’s Day November 11th at 11:00 A.M. The public is invited.

PUBLIC COMMENTS ON AGENDA ITEMS

No one wished to speak.

ROUTINE BUSINESS

RESOLUTION 115 - 16

APPROVAL OF MINUTES

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

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

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

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

General Fund	\$	28,556.95
Highway	\$	194,250.83
Water	\$	15,014.43
Sewer	\$	7,295.40
Refuse	\$	35,735.56
Trust & Agency	\$	24,282.21

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for the month of August 2016 was \$26,260.42 which is a decrease of \$5,531.52 from 2015. Year to date total is 1,042,619.20 which is a decrease of \$24,757.99 from 2015.

Councilman Leible reported that Scout Wyatt Kneepel has been getting contracts together for his Eagle Project which was presented to the Board earlier in the year. His plan will redefine the walkway to the memorial Gun located at the Town Hall. The plans will also include a plaque to be located by the Town Hall Parking Lot that will direct visitors to the monument. He anticipates completing his project before the Veteran’s Day Ceremony on November 11th.

Councilman Fischer reported that the Sewer Department had 19 regular time calls, 1 overtime call, 1 new home pressure service under the road, 2 grinder pump total updates completed, 2 grinder pump partial updates completed, 2 pressure sewer break repairs, 2 sewer shutoffs repaired, completed bi-weekly inspections and maintenance on three pump stations, 2 open trench inspections and 48 underground utility stakeout requests processed. The Water Department installed 6 Orion readers, there are only 15 Orion readers left to install. Of the 15 homes, 5 homes are vacant. They also had 1 water service push under the road for a new home, 3 water service curb boxes repaired, 1 water main valve repaired, 5 final water reads, 6 sold home water and sewer compliance inspections, 4 new home water meters installed, 1 repaired water leak in a meter pit, top soiled and seeded areas where there were water and sewer repairs, took one load to the scrap yard, and began winterizing fire hydrants in the subdivisions. He also reported that the fifth annual Community Days was held on October 1st. Local businesses and organizations came together for the community. It was well attended and continues to grow each year.

Councilwoman Jarvis reported that the Ladies Auxiliary will be holding a Vendor's Fair on October 15th. Chowder will also be available for purchase at 11:00 a.m. There will be about sixty vendors that have signed up for the fair. St. Paul's Church will be holding their basket raffle that day also. She reported that she has read in the Erie Canalway National Heritage Corridor that they have completed their photo contest and there were 3 people from Western New York who won honorable mention.

Councilman Ostrowski reported that the Town has applied for a Court Security Grant. It will include the request of additional security cameras and computerized cards/fobs for Town Hall entry. He also attended the Community Fair and reported that attendance has increased over the past few years. He reported that the Building Department issued 7 violations for the month. Thirty two permits were issued and \$2,200.00 was collected in permit fees.

Engineer Dave Britton reported that the company (Utility Service Company) that has been contracted to paint the inside of the Town's water tank continues to work on the tower. They will be priming the inside of the tank this week and complete the final coat of paint by the end of October. The water tank should be back in service in the beginning of November. He also reported that five requests for proposals were sent to local qualified contractors for solicitation for the stabilization of the Town's ditch #2 along the TanTara Golf Course. The proposals were anticipated to be below the \$35,000.00 threshold for a Public Work's project, which do not require the formal public advertisement. Only 2 proposals were received:

Yarussi Construction	\$34,900.00
Milherst Construction	\$42,900.00

The bids were reviewed by GHD Engineer's and Engineer Britton recommends awarding the project to the low bidder, Yarussi Construction.

RESOLUTION 116 - 16

CONTRACT FOR THE STABILIZATION OF DITCH #2 BY TAN TARA GOLF COURSE

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

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

Resolved to contract with Yarussi Construction for the stabilization of the Town Ditch #2 along the TanTara area at their bid price of \$34,900.00.

Assessor Coughlin asked the Town Board to authorize an additional day weekly for Stephanie Chase to work in her office to train her for the various exemptions. The letters have gone out and she anticipates the forms to be submitted over the next few months. She has the money in her Contractual budget line and is requesting a transfer of those funds to her Personal Service line and to authorize the hours.

RESOLUTION 117 - 16

TRANSFER OF FUNDS

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

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

Resolved to authorize the transfer of \$1,300.00 from the Assessor's Contractual budget line to her Personnel Service line and authorize the additional hours for Stephanie Chase to work.

RESOLUTION 118 - 16

AUTHORIZE TRANSFER OF FUNDS FOR THE PURCHASE OF A DUMP TRUCK BODY AND SALTER

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 \$26,926.17 from Capital Reserve (DA9950.09) to Machinery Fixed Assets (DA.5130.02) for the purchase of a dump truck body and salter.

RESOLUTION 119 - 16

ASSESSOR TO PLACE LIENS

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

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

Resolved to authorize the Town Assessor to place all unpaid Town charges as liens upon real property in accordance with Town Law §198 to forward authorization and actual listing of all unpaid accounts that are provided by the water/sewer billing department, refuse bills and other Town charges to the assessor's office for posting.

RESOLUTION 120 – 16

SNOW AND ICE CONTRACT

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

ADOPTED Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski
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) years; 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) years.

RESOLUTION 121 - 16

AUTHORIZATION TO SIGN PENFLEX AGREEMENT

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

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

Resolved to authorize the Supervisor to sign the agreement with Penflex to continue as the administrator of the LOSAP Agreement for the Wendelville Fire Company for 2017.

RESOLUTION 122 - 16

OFFICIAL DEPOSITORY

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

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

Resolved, the Key Bank headquartered in Buffalo, New York is designated an authorized depository of this corporation; and

Further Resolved, that all drafts, checks, or other instruments or orders for the payment of money drawn against the account or accounts of the corporation with said depository shall be signed by anyone of the following:

Joel Maerten	Supervisor	Accounts ending with:
Marian Maziarz	Supervisor's Assistant	XXXXXXXXXXXXXXXXXXXXXX
Terry Pienta	Town Clerk-Tax Collector	Accounts ending with:
Doreen Genet	Deputy Town Clerk	XXXXXXXXXXXXXXXXXXXXXX

Further Resolved, that said depository is authorized to place to the credit of the account, or any accounts thereof for deposit to the accounts of the corporation, endorsed with the name of the corporation, by rubber stamp, facsimile, mechanical, manual, or other signature (and any such endorsement by whomever affixed shall be the endorsement of this corporation) or otherwise endorsed, or unendorsed, provided that any such item shall bear, or be accompanied by, directions (by whomever made) for deposit to specific account, then such deposit shall be to the credit of such specific account, and

Further Resolved, that said depository is hereby directed to accept, and/or pay and/or apply any draft, check, instrument or order for the payment of money, or any proceeds thereof, drawn on such account or accounts when signed as required by these resolutions

by manual, rubber stamp, facsimile, or other mechanical signature (by whomever affixed) without limit as to the amount, without inquiry, and without regard to the disposition of any such item or any proceeds thereof. Further said depository shall not be liable in connection therewith notwithstanding that such item may be payable to the order of a person whose signature appears thereon or of any other officer or officers, agents or agents of this corporation, or such items or proceeds thereof may be used or disposed of for the personal credit or account of any such person or persons, officer or officers, agent or agents with the depository or otherwise.

Supervisor Maerten announced that he had been getting information about possibly bonding the roadwork for Fisk Road. The amount of money that was to be the Town's share was 1.5 million dollars. He recently received a memo from the DOT that they will be funding the entire project. It is estimated that the project will begin in 2019. He also reported that the Community Center Committee has been meeting to help define what is actually needed for a community center. The seniors would like a larger area for their monthly meetings along with several organizations needing a place to meet. They are hoping to give a presentation of their findings to the Board in the next few months. He also reported that the final bid for the refuse and recyclables came in at \$158.50 per unit. This is slightly less than the previous contract. He asked for authorization to sign the agreement. There is an option to renew for two successive three years periods.

RESOLUTION 123 – 16

REFUSE CONTRACT WITH MODERN

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

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

Resolved to authorize the Supervisor to sign the three year agreement with Modern Corporation for the collection of refuse, waste collection and recyclables effective January 1, 2017.

RESOLUTION 124 – 16

NEW WENDELVILLE MEMBERS

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

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

Resolved to add Andrew Moje of Bear Ridge Road and Noah Dey of Oakwood Drive, as new members of the Wendelville Volunteer Fire Company to the Town's Insurance to be effective immediately.

RESOLUTION 125 – 16

BOARD OF ASSESSMENT REVIEW MEMBER

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

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

Resolved to reappoint Mary Ann Welka to a 5 year term to the Board of Assessment Review.

BOARD MEMBERS DISCUSSION

Supervisor Maerten scheduled a Budget Work Session for October 17th at 7:00 P.M. A Work Session was scheduled for October 24th for 7:00 P.M.

Motion by Councilman Fischer, seconded by Councilman Leible, to adjourn to Executive Session for Litigation and Contractual reasons at 7:30 P.M.

Motion by Councilman Leible, seconded by Councilman Fischer to adjourn from Executive Session and the Regular Meeting at 8:21 P.M.

Terry J. Pienta, Town Clerk