

TOWN OF PENDLETON
October 13, 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 13th day October 2014 at 8:00 P.M. A Public Hearing was scheduled for 7:50 P.M.

PUBLIC HEARING

Supervisor Riester opened the Public Hearing at 7:55 P.M. Clerk Pienta read the notice that was published in the Union Sun & Journal on October 3, 2014. The purpose of the Public Hearing was to receive input on a proposed amendment to the Town's Code for §247-35 Unsafe Structures. The full text of the proposed changes were available in the Town Clerk's Office and on the website at www.pendletonny.us.

One resident asked the Board for clarification as to whether the code was for buildings or structures. She referred to the Town's definition of each. It was determined that *structure* was to be used in place of the word *building* in the code.

REGULAR MEETING

Supervisor Riester called the meeting to order at 8:03 P.M.

Supervisor Riester asked for a moment of silence for Dorothy Stowell, Highway Superintendent Stowell's mother who passed away last week.

Supervisor Riester read the invocation.

Gary Sheedy from Starpoint School led the salute to the flag.

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

Also present were:

Terry Pienta	Town Clerk
Jack Striegel	Building Inspector
Don Bergman	Budget Director
Kelli Coughlin	Assessor
Water-Sewer Superintendent	Jim Argo
Town Attorney	Claude Joerg

There were approximately 6 residents and 18 Starpoint Students in attendance.

ROUTINE BUSINESS

RESOLUTION 111 - 14

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Riester, Leible, Morrison, Jarvis
 Nays 0

Resolved that the minutes of the Regular Meeting held September 8th be approved as submitted by the Town Clerk.

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

General Fund	\$	30,455.71
Highway	\$	39,265.69
Water	\$	8,973.09
Sewer	\$	8,800.27
Refuse	\$	34,963.75
Farmer's Market	\$	2,449.64
Trust & Agency	\$	11,530.42

OTHER REPORTS

Supervisor Riester reported that the sales tax collected for the month of August was \$128,983.50 this is compared to \$128,908.52 in 2013. This is an increase of \$74.98 from August 2013. The year to date received is \$1,059,648.27 which is a decrease of \$24,838.41 from 2013. He also reported that the Niagara County Health Care Consortium continues to meet. He also reported that he has had conversations with NYSEG; they are considering installing a gas line down Feigle, Sheetram and Dunnigan Roads. If NYSEG does consider the installation they will notify the residents offering them to opt in and a cost estimate for doing so. He also reported that he did attend the sludge meeting that was recently held in Wheatfield.

Councilman Leible reported that the Building Department issued 11 violations for the month of September, 6 remain outstanding. The total outstanding violations for the year are 14. He reported that the Building Department issued 34 permits for a total of \$2,165.00 in fees.

Councilman Morrison reported that he had to shut down the Town's electronic recycling collection until further notice. The cost of getting rid of the large TV's and Monitors (CRTs) has risen so sharply that it would cost the town about \$1000.00 every other month. He will be attending the Clerk's luncheon on Thursday. Dawn Timm from Niagara County Refuse District is the scheduled speaker and she will be discussing the problem with properly disposing of the large CRT monitors/TVs.

Councilwoman Jarvis reported that Good Shepherd Church will be holding an Oktoberfest October 18th at 5:30 to 9:00 P.M. The Bergholtz German Band will be playing. The cost of \$21.00 will include the food, beer and the music.

Engineer Dave Britton – nothing to report

Attorney Claude Joerg reported that he is waiting for a response from the DEC regarding the Town's repeal for the DEC's denial for the property locations that have been given a permit to have EQUATE spread on farmlands within the Town.

NEW BUSINESS

RESOLUTION 112 - 14

TOWN CODE CHANGE §247-35 UNSAFE STRUCTURES

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

ADOPTED Ayes 4 Riester, Leible, Morrison, Jarvis
 Nays 0

Resolved to accept and approve the Town Code change §24-35 Unsafe Structures as presented during the Public Hearing changing the word building to structure within the text.

RESOLUTION 113 - 14

PENFLEX AGREEMENT

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

ADOPTED Ayes 4 Riester, Leible, Morrison, Jarvis
 Nays 0

Resolved to authorize the Supervisor to sign the agreement for the Wendelville Retirement Program with Penflex Inc. to continue their service of providing actuarial and administrative services including the preparation of an audit required by the state for an additional \$495.00.

RESOLUTION 114 - 14

ACKNOWLEDGE COURT AUDITS

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

ADOPTED Ayes 4 Riester, Leible, Morrison, Jarvis
 Nays 0

Resolved and acknowledge that the audits for the year of 2014 for the Honorable Judge Maziarz and the Honorable Timothy Murphy have been conducted, the records have been found in good order and the audits are on file in the Town Clerk Office.

RESOLUTION 115 - 14

ASSESSOR TO PLACE LIENS

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

ADOPTED Ayes 4 Riester, Leible, Morrison, Jarvis
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 and to forward authorization and the actual listing of all unpaid accounts that are from the water/sewer bills, refuse bills and other Town charges to the assessor's office for posting.

RESOLUTION 116 - 14

TOWN BOARD SUPPORT LETTER FOR REFERENDUM

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

ADOPTED Ayes 4 Riester, Leible, Morrison, Jarvis
Nays 0

Resolved to authorize a letter to be mailed out by the Wendelville Fire Co. to the Town's residents showing the Board's support for a November referendum being placed on the ballot to increase the amount of time the Wendelville volunteer fireman can earn in the Retirement Incentive Program from 20 years of active service to 30 years of active service.

PUBLIC REMARKS/COMMENTS

A Lockport Road resident asked the Supervisor if he would include in the discussions with NYSEG about installing a gas line for the section of Lockport Rd. between Aiken and Townline Roads.

A resident spoke to the Board regarding a problem with a dirt-bike track located on private property on Tonawanda Creek Rd by the Pendale subdivision. His understanding is that there is nothing that the Town can do about the noise. Supervisor Riester told him that the Building Department and the Town Prosecutor, Ned Perlman are reviewing the situation as to what would be the best way to address the problem.

BOARD MEMBERS DISCUSSION

Motion by Councilman Leible, seconded by Councilman Morrison to schedule two Work Sessions for October 20th and 27th at 7:00 P.M. to continue the budget discussions. Motion carried.

Motion by Councilman Leible, seconded by Councilwoman Jarvis to schedule a Public Hearing for the presentation to the public of the proposed 2015 budget on November 10th at 6:45 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilwoman Jarvis to adjourn at 8:32 P.M. Motion carried.

Terry J. Pienta, Town Clerk