

**TOWN OF PENDLETON
REGULAR MEETING
September 11, 2017**

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 11th day of September, 2017 at 7:00 P.M. A Public Hearing was scheduled for 6:50 P.M.

PUBLIC HEARING

Supervisor Maerten opened the Public Hearing at 6:55 P.M.

Supervisor Maerten read the notice that was published in the Union Sun & Journal on September 6, 2017. The purpose of the hearing was for the public's input on a proposed amendment to Local Law 01-2010 Flood Damage Protection. The amendment addresses several of the map panels, along Tonawanda Creek, that have been revised and will become effective on November 3, 2017.

One resident asked if the revised panels were the changes that GHD provided to FEMA. Engineer Britton said that the amended Local Law addresses the specific panels that have changed.

An informational meeting will be held in October for the specific parcels involved.

No one else wished to be heard.

Motion by Councilman Leible, seconded by Councilman Fischer, to close the Public Hearing at 6:58 P.M. Motion carried.

REGULAR MEETING

Supervisor Maerten opened the Regular Meeting at 7:00 P.M.

Supervisor Maerten read the invocation.

Boy Scout Robert Lohnas (Trey) led the salute to the flag and asked for a moment of silence for the victims of the terror attack on September 11, 2001.

| | | |
|------------|----------------------|---------|
| ROLL CALL: | Supervisor Maerten | present |
| | Councilman Leible | present |
| | Councilman Ostrowski | present |
| | Councilman Fischer | present |
| | Councilwoman Jarvis | present |

Also present were:

| | |
|-------------------|----------------------------|
| Terry Pienta | Town Clerk |
| Kelli Coughlin | Assessor |
| Claude Joerg | Town Attorney |
| Jim Argo | Water-Sewer Superintendent |
| Tim Masters | Building Inspector |
| Wolfgang Buechler | Board of Appeals |
| Don Bergman | Budget Director |
| Dave Britton | Engineer |

There were approximately six residents in attendance.

COMMENTS ON AGENDA ITEMS

No comments were made.

ROUTINE BUSINESS

RESOLUTION 154 - 17

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 on August 14th be approved as submitted by the Town Clerk.

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

| | |
|------------------|---------------|
| General Fund | \$ 187,305.56 |
| Highway | \$ 213,560.69 |
| Water | \$ 9,273.06 |
| Sewer | \$ 11,101.85 |
| Refuse | \$ 34,468.75 |
| Trust and Agency | \$ 5,408.36 |

Supervisor Maerten reported that the sales tax collected for July, 2017 was \$126,692.75, a decrease of \$4,490.26 from 2016. The year to date total is \$772,851.95, a decrease of \$16,814.08 from 2016. He reported that the sales tax continues to be on the decline which will come into play during budget discussions. In order to stay within the 2% tax cap he foresees a very meager budget. He reported that the Community Celebration, in spite of the weather, was a success. He has received a lot of positive feedback including comments saying that it was about time the Town did something like that. Mason's Mission dedication and celebration will be held September 16th at 1:30 P.M. at the Town Park. He also announced that Wendelville Fire Company received \$145,153.00 FEMA Assistance to Fire Fighter Grant for the purchase of new Self Contained Breathing Apparatus (SCBA) equipment. Wendelville Fire Company received a grant six years ago for \$100,000.00 for the purchase of "turn out gear". He commended the Highway Department for all the work that was done this summer. They have been busy with the various road projects and helping with the installation of the new playground equipment for the Town Park. He also announced that the Town will be receiving a \$50,000.00 Transportation Grant from Assemblyman Ray Walter for next year towards paving work.

OTHER REPORTS

Councilman Leible reported that the Town Park is looking good with the various improvements that were done this year. The bird netting has been completed; new lights have been installed, blacktopped the one shelter and purchased new tables and grills. He also announced a letter of resignation was received from Steve Lorenzo, Recreation Director. Charles Langlois has agreed to fill that position for the remainder of the year. Councilman Leible also reported that he received three estimates to clean the carpets in the Town Hall and has accepted the lowest estimate that was from Clean-It-All for \$490.00.

Councilman Fischer reported that the Highway Department chipped brush for seven days, repaired a bubbler on Kriston Lane, flushed under the drain with sewer jet to remove tree roots, applied Nova Chip on Irish Road, repaired bubbler on Marie Court, chip sealed (oil & stone) on Donner Road, changed two pipe jobs on Mapleton Road, cleaned a section of Fisk Road ditch, picked up Summer Rec supplies from Starpoint, repaired equipment as needed, prepped the Park for Farm & Home Days and cleaned up afterwards, maintained parks, cemeteries, athletic fields including stripping the PABA fields, and they continue working on the Park playground site work. He also reported the shared services for August. The Highway Department used Cambria's chipper for one month, two men hauled millings for Wheatfield for one day, used Wilson/Hartland's rubber tire roller for one day for Donner Road, two men hauled blacktop for Newfane for two days, two men hauled blacktop for Youngstown for two days and two men hauled blacktop for Lockport for two days. The Sewer Department had 17 regular time sewer calls, three overtime calls, three total grinder pump dates were completed, a partial update to one duplex grinder pump unit, three pressure sewer break repairs, two

new home pressure sewer taps completed, and 11 sold home compliance inspections were done. The Water Department completed one new home water push and tap under Feigle Road, two same side of the road water taps, nine final water reads, dug up and replaced two water curb stops, nine new home water meters installed, completed the quarterly stage two water samples and delivered to Niagara Falls water lab, painted water hydrants, weather permitting, and completed 51 underground utility stakeouts. He also announced the seventh annual Community Fair on September 30th from 10:00 A.M to 1:00 P.M. at the Pendleton Center United Methodist Church at Campbell and Bear Ridge Roads. Many of the local business will be there, Lakeview Animal Sanctuary, free document shredding, and food samples from local restaurants.

Councilwoman Jarvis – Nothing to report.

Councilman Ostrowski thanked the Farm & Home Day co-chairs for all the work they did to organize the event. He attended the event for both days and enjoyed it in spite of the weather. He also reported that a family lost their home by fire on Paddock Ridge. The PABA organization is fund raising on their Facebook website to help the family out. He wishes the family the best and knows this community will come together and help them out.

Engineer Britton reported that the Fisk Road project continues to move forward. The surveyors have been out, Superintendent Stowell and he have been out and mapped out bore locations, and the Highway Department has also agreed to do the flagging and traffic control for some of the work along the road.

Claude Joerg – updated everyone on the Article 7's which is the process where people challenge their assessments. Tan Tara discontinued their action; the new Hotel on Transit is challenging their assessment, as are the Auto part store on Donner Rd. and Key Bank.

DEPARTMENT HEADS

Building Inspector Tim Masters reported that he attend two training sessions during the month of August. The last session will be held in September. He issued six new single family permits, ten contractor licenses, and an additional 22 permits were issued which brings the total of 204 active permits. There were 58 on-site inspections and the total of new homes being constructed is 34. There were nine outstanding violations that the department continues to work with the residents to resolve the issues. He is also working with Highway Superintendent Stowell for a better process regarding curb cuts.

Water-Sewer Superintendent Jim Argo reported that he has two homes that need their water meter changed. They have been notified numerous times that the reader needed to be changed. They have been receiving estimated water bills in addition to a quarterly fee for not scheduling for the reader replacement. After speaking with the Town Attorney and the Department of Health along with the Town Board's authorization it was determined to mail a certified letter with a date of October 6th for the replacement or their water will be shut off.

Assessor Kelli Coughlin reported that there were 33 sales in the month of August. She also reported that there were nine arm length sales that average homes sold for about \$50,400.00 over the assessed evaluation. She also mentioned that many of the Town's seniors have been falling off the aged exemption for their school taxes. The school has not increased the limit for the aged exemption like the Town and County has. It was determined that she will draft a letter asking the School Board to consider increasing the limit for next year's taxes. Supervisor Maerten will move forward with it. She also announced that the Starpoint Modified Football Team will be attending a spaghetti dinner at her house this week. The team will be bringing donations for the eldest son of the family that lost their home in the fire so that the oldest son will be able to purchase equipment.

NEW BUSINESS

RESOLUTION 155 – 17

LOAL LAW 06 -2017 AMEND LOCAL LAW 01 – 2010 FLOOD DAMAGE PROTECTION

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

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

WHEREAS, The Town of Pendleton hereby adopts a Local Law amending Local Law No. 1 for the year 2010, and so amending Chapter 135 of the Town of Pendleton Code at Section 135-6 "Basis for establishing areas of special flood hazard";

Historically, Local Law No. 1 for the year 2010 repealed former Chapter 135, Flood Damage Prevention, adopted 10-6-1987 by Local Law No. 1, 1987, as amended in its entirety on April 2, 2002 by Local Law No. 2 of 2002 which was further amended on October 2, 2007 by Local Law No. 2 of 2007;

WHEREAS, a public hearing was held on the 11th day of September, 2017 at 6:50 p.m. in the Pendleton Town Hall, Pendleton, New York, on said Local Law, and

WHEREAS, one person appeared to speak on said Local Law, and

WHEREAS, no amendments were made to said Local Law, now, therefore, be it

RESOLVED, that a Local Law of the Town of Pendleton, New York amending Chapter 135 of the Town of Pendleton Code at Section 135-6 "Basis for establishing areas of special flood hazard";

Local Law No. 6 for the year 2017, repeals Section 135-6. Basis for establishing areas of special flood hazard as set forth in Local Law No. 1 for the year 2010 and the following Section 135-6 "Basis for establishing areas of special flood hazard" is hereby enacted by the Town Board for the Town of Pendleton, as follows:

§ 135-5 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Pendleton. Niagara County.

§ 135-6 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers:

36063CO2I4E, 36063CO2I8E, 36063CO2I9E, 36063CO238E, 36063CO239E, 36063C0352E, 36063C0354E, 36063C0356E, 36063C0357E, 36063C0362E, 36063C0377E, 36063C0379E

whose effective date is September 17, 2010, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction, and;

(2) Flood Insurance Rate Map Panel Numbers:

36063C0358F, 36063C0359F, 36063C0366F, 36063C0376F, 36063C0378F whose effective date is November 3, 2017, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction, and;

(3) A scientific and engineering report entitled "Flood Insurance Study, Niagara County, New York, (All Jurisdictions)" dated November 3, 2017.

The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at Pendleton Town Hall, 6570 Campbell Boulevard, Pendleton, New York 14094.

This Local Law shall become effective upon its filing with the New York State Department of State.

Councilman Ostrowski reported that he and Building Inspector Masters have received some quotes for a Pendleton logo wall sign to be installed behind the dais in the meeting room.

Three quotes were requested with two estimates responded. They were as follows:

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|--|-----------------|
| Cooper Sign Company - Niagara Falls | \$802.40 |
| Ulrich Signs - Lockport | \$1,640.00 |
| Sign Works - Lockport | declined |

RESOLUTION 156 - 17

ACCEPT LOW BID FOR PENDLETON LOGO WALL SIGN

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 low bid from Cooper Signs for a Pendleton logo wall sign 30 inch by 60 inch ¼ inch thick acrylic two layer Town of Pendleton sign cut to shape with raised graphics to be installed behind the dais in the meeting room subject to final approval of design.

Though not required by the Town's procurement policy, he also presented quotes for the purchase of 100 lapel pins with the Town of Pendleton logo. The following quotes were received:

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|--|----------|
| Cooper Sign Company - Niagara Falls | \$352.00 |
| Scirto's - Lockport | \$490.00 |

RESOLUTION 157 – 17

AUTHORIZE THE PURCHASE OF LAPEL PINS WITH THE PENDLETON LOGO

Motion by Councilman Leible, seconded by Councilwoman Jarvis, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski
Nays 0

Resolved to authorize the purchase of one hundred lapel pins 1 inch by ½ inch steel die-struck high relief cut to shape with the Pendleton logo from Cooper Signs for \$352.00.

RESOLUTION 158 – 17

REVISED AGREEMENT WITH PIVOT PUNCH FOR USE OF BASEBALL FIELD

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski
Nays 0

Resolved to accept and authorize the Supervisor to sign the updated five year lease agreement with Pivot Punch for the Town to continue to maintain the baseball field located in the back of Pivot Punch's property for the use of the ball field with an annual rent of \$250.00.

RESOLUTION 159 – 17

JOHN BERRY AS PERMANENT FULL TIME EMPLOYEE

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski
Nays 0

Resolved to name John Berry as permanent full time employee having fulfilled his six month probationary period.

Scout Trey Lohnes gave a presentation for a project he would like to do for the Town of Pendleton so that he may fulfill one of the requirements to earn his Eagle Scout status. The project he proposed would be to scrape and paint approximately 50 fire hydrants located throughout the Town. He will obtain donations for various items needed such as scrapers, paint brushes, garbage bags, and bottled water for the members of his crew. He also provided a map of the locations of the fire hydrants to be painted.

RESOLUTION 160 – 17

GRANT PERMISSION FOR PROPOSED EAGLE SCOUT PROJECT

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski
Nays 0

Resolved to grant permission to Trey Lohnes to complete his Eagle Scout project to scrape and paint approximately 50 fire hydrants throughout the Town to fulfill one of the requirements toward his Eagle Scout status.

RESOLUTION 161 – 17

AUTORIZATION TO PURCHASE 2018 F-450 XL SUPER CAB FOR THE SEWER DEPT

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski
Nays 0

Resolved to authorize the purchase of a 2018 F-450 XL Super Cab per "piggyback" Quote# 25583 Onondaga Bid 7974 2017 for \$47,874.61 from Van Bortel Ford.

Water-Sewer Superintendent Argo requested three quotes for the purchase of an eight ft. plow package for the departments Ford F-250 4 x 4 truck. The price listed will include the installation to the Town's truck. The following quotes were received:

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|--------------------------------|-------------------|
| Niagara Truck Equipment | \$3,800.00 |
| Casullo's Truck Accessories | \$4,714.00 |
| Kaminski & Sons Equipment | \$4,374.00 |

RESOLUTION 162 – 17

AUTHORIZATION TO PURCHASE EIGHT FT. PLOW PACKAGE

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

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

Resolved to authorize the purchase of an eight foot plow package for the Water Department's truck Ford F-250 4 x 4 for the low bid of \$3,800.00 from Niagara Truck Company.

RESOLUTION 163 – 17

AUTHORIZATION TO SIGN AGREEMENT WITH GIUSIANA ARCHITECTS & ENGINEER

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

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

Resolved to contract with Giusiana Architects & Engineer to submit alternative solutions for a Court expansion.

RESOLUTION 164 – 17

ACCEPT RESIGNATION FROM STEVE LORENZO RECREATION DIRECTOR

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

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

Resolved to accept Steve Lorenzo's resignation as Recreation Director and as a member of the Recreation Committee.

RESOLUTION 165 – 17

APPOINT CHARLES LANGLOIS AS RECREATION DIRECTOR FOR THE REMAINDER OF THE YEAR

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

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

Resolved to appoint Charles Langlois as Recreation Director for the remainder of 2017.

RESOLUTION 166 – 17

AUTHORIZATION FOR ASSESSOR TO ATTEND CONFERENCE IN LAKE PLACID

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

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

Resolved to authorize Assessor Coughlin to attend the annual Assessor's Conference in Lake Placid from October 2nd to October 4th.

PUBLIC COMMENTS/COMMENTS

Supervisor Maerten announced that September 18th at 7:00 P.M. will be the first Budget discussion with the Town Board. The public is welcome to attend but there will be no regular business conducted that evening. The following week, September 25th will be a Work Session scheduled for 7:00 P.M. Budget discussions will follow the Work Session and the public is welcome to attend.

Motion by Councilman Leible seconded by Councilwoman Jarvis, to adjourn from the Regular Meeting at 8:10 P.M. Motion carried.