

**TOWN OF PENDLETON**  
September 14, 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 14<sup>th</sup> day September 2015 at 7:00 P.M.

Supervisor Riester called the meeting to order at 7:09 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
Jeff Stowell	Highway Superintendent
Jim Argo	Water-Sewer Superintendent
Don Bergman	Budget Officer
Kelli Coughlin	Assessor

There were approximately 40 residents in attendance.

**ROUTINE BUSINESS**

RESOLUTION 127- 15

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes for the Regular Meetings held on August 10<sup>th</sup> and Work Session August 31<sup>st</sup> be approved as submitted by the Town Clerk.

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

General Fund	\$	31,915.70
Highway	\$	14,895.57
Water	\$	9,191.50
Sewer	\$	6,291.22
Refuse	\$	35,148.34
Trust & Agency	\$	173.11
Farmer's Market	\$	121.25

Fire Protection \$ 43.95

## OTHER REPORTS

**Supervisor Riester** reported that the sales tax collected for the month of July 2015 was \$132,690.75 . This is compared to \$134,083.03 for July 2014. This is a decrease of \$1,392.28. The year to date received is \$935,585.25 . This is an increase of \$4,920.48 from 2014. He also reported that the Town received several complaints about the Tonawanda Sportman’s Club in violation of the Town’s Code regarding the allowable hours of shooting. The Building Department did send out a notice of violation. He also reported that National Fuel has scheduled October 7<sup>th</sup> for an informational meeting. The place and time has not been decided yet. All residents will be notified by mail. He updated everyone regarding the recently submitted draft copy of a noise ordinance. The Town Board has authorized Attorney Gary Abraham to consult with Michael Bahtiarian, an Acoustic Specialist to review and submit changes to the draft copy. The next step will be to submit it to Niagara County for their comments. After that process the Town will schedule a Public Hearing.

**Councilman Leible** reported that the Highway Department chipped brush for 3 days, continued cleaning roadside ditches on Fisk and Sheetram Roads, maintained parks and cemeteries, flushed plugged culvert pipes on Fisk and Sheetram Roads and Oakwood and Dunnigan, brush hogged ditch behind Bear Ridge Estates, repaired bubbler in Bear Ridge Estates, brush hog, cut trees, cleaned off road ditch at Townline Road, investigated Ridgeview and Bear Ridge Estates drainage system and repaired equipment as needed. The also reported various days of shared services with other Towns and the County. The Building Department issued 6 violations, 5 remain outstanding. There are a total of 22 outstanding for the year. Twenty-nine building permits were issued for total revenue of \$3,165.00. A resident questioned why there are so many outstanding violations for the year. Supervisor Riester explained the process that the Building Department follows. There are times that a violation may take as long as 3 to 6 months to resolve.

**Councilman Morrison** reported that he and Charlie Langlois, head of the Recreation Director have been reviewing the Parks equipment and getting estimates to replace some of the “toys” that are located in the Town Park. They are also reviewing the Summer Recreation program to see if anything may be needed for next year. He also reported that the company that was hired to install the new phones will be in within the next few weeks.

**Councilman Fischer** reported that the Sewer Department had 19 regular time calls, 3 overtime calls, 1 total update completed, one partial update completed, seven sold home and 3 set grinder pump units installed for 3 existing homes that were never connected to pressure sewers. The Water Department has replaced 470 water readers to date, had 6 final water reads, 4 water meters installed in new homes, dug and disconnected water service at 6082 South Transit in preparation of the home being demolished, 3 new water service tapped and connected for new homes, completed quarterly water samples, began the process of flushing and maintaining fire hydrants, stacked and wrapped electronic items as needed, set up tables and chairs as needed at the Town Hall, and weed wacked around the fire hydrants as time allowed.

**Councilwoman Jarvis** reported that she has researched the cost of the other type (canvas covering) of salt sheds. She does have estimates on the overhead covers but no estimates for the foundation. Supervisor Riester suggested she get the totals in time to submit for next year's budget.

**Engineer Britton** reported to the Board that Superintendent Stowell did have a final walk through of the road in the Meadows subdivision Phase II Part B and did contact Clerk Pienta to proceed with the resolution for the dedication of that phase of the road from the last meeting. He also reported that he has been working with the Highway Department to try to locate a secondary outfall for the Ridgeview subdivision and the drainage around the pond in the Bear Ridge Estates. A couple of months ago the Board had requested more proposals for the Town's water tank inspection. Two other municipalities did not solicit any additional proposals because it is considered professional services. Cambria did request an additional proposal but the other company was twice the cost of Conrady Consultant Services. Cambria accepted Conrady's proposal and was very pleased with their work and the report that was submitted.

RESOLUTION 128- 15

**ACQUIRE THE SERVICES OF CONRADY CONSULTANT SERVICES FOR THE WATER TOWER INSPECTION FOR \$3,000.00**

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

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

Resolved to authorize the services of Conrady Consultant Services for the Water Tank inspection at the proposed rate of \$3,000.00.

**Attorney Claude Joerg** reported on the various projects he has been working on for the past month.

- Bear Ridge Cemetery and a recent dispute regarding the property line with a neighbor. After some investigation looking over an older survey he believes that question of the boundary has been satisfied.
- Complaints regarding Tonawanda Sportman's Club noise violations-it is the Building Department's job to issue violations, not the Town Board
- Homeowner's (from Fisk Road) complaint regarding a neighbor's buildup of his property and it is causing a drainage issue on her property - he explained that the Town does not get involved in neighbor's disputes but if it is a code violation that would come under the Building Department's control.

**NEW BUSINESS**

Cindy Baire from GAR Associates Inc. spoke to the Town Board regarding re-evaluation for the Town. The last reassessment was done in 2006. She distributed a folder of information to the Board and proceeded to high light a few items.

Benefits:

- Homes are selling for more than the assessed evaluation but the lower assessment remains

- Other communities in the County are considering a re-evaluation at this time too
- Importance of an update is to be sure everyone is paying their fair share
- New York State recommends a four year cycle for a re-evaluation

RESOLUTION 129- 15

**PENFLEX AGREEMENT**

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

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

Resolved to authorize the Supervisor to sign the annual agreement with Penflex to oversee the Wendelville Service Award Program and the annual audit.

RESOLUTION 130- 15

**NEW WENDELVILLE MEMBERS**

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

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

Resolved to add Daniel Warner of Aiken Rd. and Alyssa Wick of Tonawanda Creek Rd. to the Town's insurance effective immediately.

RESOLUTION 131- 15

**ACKNOWLEDGE COURT AUDITS**

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

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

Resolved and acknowledge that the audits for the year of 2015 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.

Highway Superintendent and the Town Board discussed various roads, work that needed to be done.

- Advantages to wait for spring for Pendale
- Shortage of Employees
- Money for Fisk Road
- Concerns for the main roads
- Cost, time and man power for various areas, main roads and subdivisions

**PUBLIC REMARKS/COMMENTS**

A resident that had previously discussed his concerns about purchases made by the Highway Superintendent before the §284 Agreement was signed. Supervisor Riester told him that ideally the §284 Agreement should be presented at budget time and amended if needed. He said the Board will work harder at that procedure.

A resident asked for an update on the FEMA mapping – possibly mid 2016 providing the Federal Government funds the mapping. The mapping has been approved but there has not been any money for the project.

**BOARD MEMBERS DISCUSSION**

Motion by Councilman Leible, seconded by Councilman Fischer, to schedule a Work Session for Monday, September 28<sup>th</sup> and October 5<sup>th</sup> at 7:00 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn to Executive Session for personnel reasons at 8:35 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from Executive Session and the Regular Meeting at 8:40 P.M. Motion carried.

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Terry J. Pienta, Town Clerk