

TOWN OF PENDLETON
September 8, 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 8th day September 2014 at 8:00 P.M.

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

Supervisor Riester led the invocation and 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
Dave Gerber	Building Inspector
Jeff Stowell	Highway Superintendent
Don Bergman	Budget Director
Jim Argo	Water-Sewer Superintendent
Kelli Coughlin	Assessor

There were approximately 10 residents and 2 Starpoint Students in attendance.

AMENDMENTS-ADDITIONS-DELETIONS TO THE AGENDA

Authorize Assessor Conference
Transfer of funds

RESOLUTION 99 - 14

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 of the Regular Meetings held August 11th be approved as submitted by Clerk Pienta.

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

General Fund	\$	47,969.83
Highway	\$	128,024.50
Water	\$	5,326.86
Sewer	\$	9,938.11

Refuse	\$	34,423.85
Farmer's Market	\$	1,676.80
Trust & Agency	\$	257.05
Fire Protection District	\$	831.84

OTHER REPORTS

Supervisor Riester reported that the sales tax collected for the month of July was \$134,083.03 this is compared to \$131,008.00 in 2013. This is an increase of \$3,075.03 from July 2013. The year to date received is \$796,581.74 which is a decrease of \$24,913.39 from 2013. He also reported that he continues to meet with the Niagara County Health Care Consortium looking to reduce the costs of health insurance for employees. He also attended a Public Hearing for National Fuel and the 2016 Northern Access Project. The proposed project is to transport natural gas to the North Eastern US and to Canada. This will involve enlarging some of the existing pipes and installing a compressor station in Pendleton along the existing path.

Councilman Leible reported that the Building Department issued 7 violations, 4 remain outstanding. Total outstanding violations for the year 13. He reported that the Building Department issued 35 permits for a total of \$2,365.00 in fees. He also reported that the Highway Department patched pot holes in Ridgeview, Fisk, Meadow Lane, Pendale and Donner roads. They also chipped brush, installed pipe at 5288 Irish Rd. and on Fisk Rd., oil and stone on Main Rd., paved Mapleton from Campbell to Bear Ridge Rd. They also started mowing several off road ditches, repaired equipment as needed, maintained parks and cemeteries. The complete report, including a list of shared services will be on file in the Town Clerk's Office.

Councilman Morrison reported that the Sewer Department responded to 11 regular time sewer calls and 4 overtime calls, 3 grinder pump updates, 3 partial grinder updates, 2 pressure sewer breaks, 58 underground utilities stakeouts completed, bi-weekly maintenance for 3 pump stations and 15 duplex grinder pumps. The Water Department repaired a fire hydrant leak on Irish Rd., replaced 2 water trace readers, completed quarterly stage 2 water samples, 2 water service pushes under the road for new homes, and 7 compliance inspections. The complete report will be on file in the Town Clerk's Office. He also reported that the Town is averaging 18 to 20 pallets every month and a half for the electronic drop off. He also thanked Bea, Carrie and Charlie for the work for the Summer Recreation program and kudos to the young people that helped out. The tennis attendance numbers were close to the numbers for last year. Joe Smith and his partner have been installing the short runs of fencing for the baseball diamonds. He was a resident of Pendleton and played baseball as a child. Most of the project is completed except for ball diamond #7. He will be donating his time and the materials to completely remove and replace the current fencing including the back stop.

Councilman Fischer discussed the idea of a contest for a caption to be in addition to the "Welcome to Pendleton" sign that the Lion's Club recently placed across from the Wendelville Fire Company. He also discussed the idea of starting a community day for Pendleton that led into a discussion about the Wendelville Field Days and the work involved and needing the community to support events like that.

Councilwoman Jarvis reported that she attended a seminar about providing innovative playground equipment for children with disabilities. She found it very interesting and hopes to use the information going forward if the Town adds any equipment in the future. She also reported that a basic wooden shed for salt storage has been estimated at \$200,000.00. That cost would not include additional lean-to or doors. She also comments that she has not received any replies from any of the companies that provide sheds with a tarp/canvas top.

Attorney Claude Joerg reported that the date for filing public comments with the DEC regarding Equate has been extended until October 15th. He also reported that he has requested, on behalf of the Town, where the new sites were located. The DEC is making it difficult to get the information. They denied the request, saying it is to protect the individuals privacy. The next step for the Town will be to file a formal appeal. He anticipates that will deny that request too. The following step will be for the Town to file in the Supreme Court an Article 78 proceeding to challenge the DEC. He also mentioned that he has been told that Equate has been spread on some fields in the Town of Cambria last week.

NEW BUSINESS

RESOLUTION 99 - 14

SURPLUS EQUIPMENT

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

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

Whereas, from time to time the Town Board has equipment that is obsolete or is no longer needed; and

Whereas the Town Board has determined the outdated Outdoor Marquee Readerboard Sign is considered surplus equipment and no longer needed by the Town;

Now Therefore Be It Resolved that the Town Board of the Town of Pendleton hereby declares the sign as surplus equipment and authorizes the sale or disposal in a manner that is determined to be the best interest of the Town of Pendleton.

RESOLUTION 100 - 14

SCHEDULE PUBLIC HEARING

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 the proposed change to the Town Code §247 Sec 35 Unsafe Structures for 7:50 P.M. on October 13, 2014.

RESOLUTION 101 - 14

AUTHORIZATION FOR TRANSFER

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

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

Resolved to transfer the sum of \$31,762.50 from the Attorney Contractual Expense Budget Line (A1420.0430) to the Attorney Personal Service line (A1420.0100).

RESOLUTION 102 - 14

AUTHORIZATION TO ATTEND ASSESSOR CONFERENCE

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 Town Board authorizes Kelli Coughlin, Town Assessor to attend the New York State Assessor Conference in Lake Placid New York.

PUBLIC REMARKS/COMMENTS

Two residents spoke about the spreading of the Equate in the Town of Cambria. Some of the issues were discussed:

- Nothing was posted
- Product was spread at night during a heavy rain
- DEC claims they spread a Class A bio-solid not a Class B
- There is a Polluter tip-line but it's difficult to reach someone
- Captain Frank Lauricelle of the enforcement area will investigate the permit that was issued to see if anything has been violated

FEMA – no updates

BOARD MEMBERS DISCUSSION

Motion by Councilman Leible, seconded by Councilman Fischer to schedule a Work Session for October 6, 2014 at 7:00 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Morrison to adjourn to Executive Session for a personnel issue at 9:12 P.M.

Motion by Councilman Leible, seconded by Councilman Fischer to adjourn from Executive Session and the Regular Meeting at 10:29 P.M. Motion carried.

Terry J. Pienta, Town Clerk