

TOWN OF PENDLETON
January 7, 2014

A regular meeting and the annual Organizational Meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd. Pendleton, N.Y. on the 7th day of January 2014 at 7:00 P.M.

REGULAR MEETING

Supervisor Riester called the meeting to order at 7:00 P.M.

Supervisor Riester read 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 Britton	Town Engineer
Kelli Coughlin	Assessor
Jim Argo	Water/Sewer Superintendent
Dave Gerber	Building Inspector

There were approximately 5 residents in attendance.

ROUTINE BUSINESS

COMMUNICATIONS

Clerk Pienta read an e-mail received through the Town's website. A resident wrote a "thank you to all the Town of Pendleton's outdoor personnel for the tremendous job they have done maintaining the roads during the past 3 weeks of horrible weather".

RESOLUTION 01 - 14

APPROVAL OF MINUTES

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

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

RESOLVED that the minutes of the previous meeting held December 3rd be approved as submitted by the Town Clerk.

Supervisor Riester reported the total expenditures that were authorized and paid in the month of December.

General Fund	\$ 24,144.80
--------------	--------------

Highway Fund	\$ 15,716.46
Water	\$ 33,619.23
Sewer	\$ 11,362.71
Trust & Agency	\$ 5,958.76
Refuse	\$ 4,562.79

OTHER REPORTS

Supervisor Riester reported that the sales tax collected for the month of November was \$114,646.50. This is compared to \$112,618.05 for November 2012, an increase of \$2,028.45. The year to date total received is \$1,462,379.34, which is an increase of \$80,471.92 from 2012. Supervisor Riester also reported that he and the Assessor have been making phone calls to residents that have not refiled for the BASIC star exemptions (required by New York State) by the December 31st deadline. Assessor Coughlin came in for an evening to help people with the online registration and she has also “walked” people through the process over the phone. He also reported that the Town has been awarded \$9,100.00 for the recycling bins purchased 5 years ago. A file has been started for the large recycling totes recently purchased when grant funds become available all the necessary documentation will be in one place.

COMMITTEE APPOINTMENTS 2014

Ordinance Violations	Leible/Fischer
Building and Capital Improvements	Jarvis/Morrison
Business Development Committee	Morrison/Jarvis
Fire Company Service Awards	Morrison, Fischer
Fire Board	Riester
Insurance	Morrison/Fischer
Publicity	Leible/Jarvis
Sewer & Water	Morrison, Fischer
Ditching and Highway	Leible/Fischer
Recreation	Morrison/Jarvis
Security	Leible
Trails	Morrison/Riester
Ethics	Fischer

**First person denotes Chairman*

RESOLUTION 02 – 14

POSTPONE THE FOLLOWING APPOINTMENTS

Motion by Supervisor Riester, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis
Nays 0

Resolved to postpone the following appointments:

- Town Historian
- Town Engineer
- Planning Board Member
- Board of Appeals Member

- Conservation Board
- Recreation Committee
- Prosecutor
- Attorney

SUPERVISOR APPOINTMENTS

Deputy Supervisor	Ed Harman
Budget Officer	Don Bergman

ASSIGNMENT OF ANNUAL AUDITS

Chief Fiscal Officer	Morrison
Town Clerk-Tax Collector	Fischer
Judge Maziarz	Jarvis
Judge Murphy	Leible
Water/Sewer Clerks	Leible

Councilman Leible reported that the Building Department issued 8 violations in the month of December and 16 remain outstanding for the year. They also issued 6 building permits. The revenue received for the permits was \$60.00. The Highway Department has been busy plowing, salting and repairing equipment.

Councilman Morrison reported that the Sewer Department responded to 7 regular time sewer calls and 5 overtime calls. He also reported that to date they have installed 269 of the grant funded updates and cleaned 10 duplex tanks. The Water Department did a water push under Campbell Blvd. for a new install, repaired a water line that froze at the water tower, they filled the ice rink with water 6 water meter installs, delivered 9 recycling totes, and helped out in the Highway Department as needed. He also reported the Farmer's Market meeting was canceled in December due to weather. He reported that Sun King is the company of choice with the best overall deal for the Town for the pick-up and removal of electronics collected. The company will provide 18 pallets at no charge, free shrink wrap, free boxes and free pick up of the wrapped pallets. The Town will be paid \$.05 per pound. The Attorney has reviewed the contract and has proposed a couple of minor changes.

RESOLUTION 03 – 14

AUTHORIZATION FOR THE SUPERVISOR TO SIGN AGREEMENT WITH SUN KING

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

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

Resolved to authorize the Supervisor to sign the amended contract with Sun King for pick up and removal of electronics collected at the Town's collection site upon the Attorney's final review.

ATTORNEY

Attorney Sammarco - nothing to report

ENGINEER

Engineer Britton reported that they have been reviewing the data from the flow meters that were installed. There is still some data that he needs before he can give a report to the Board on his findings and recommendations for future I & I projects.

NEW BUSINESS

RESOLUTION 04 – 14

AUTHORIZATION TO ATTEND THE CONFERENCE FOR NEWLY ELECTED OFFICIALS

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 Councilman Fischer and Councilwoman Jarvis to attend the conference held in Rochester January 8 – 10 for newly elected officials.

RESOLUTION 05 – 14

AUTHORIZATION FOR THE SUPERVISOR TO ATTEND THE ASSOCIATION OF TOWN'S CONFERENCE IN NEW YORK CITY

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

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

RESOLVED to authorize Supervisor Riester to attend the Association of Towns Conference held in New York City and to be appointed the delegate for the Town at the annual meeting.

RESOLUTION 06 - 13

DESIGNATE A PAGE IN THE MINUTES FOR RECOGNITION AND APPRECIATION FOR COUNCILMAN FRAWLEY

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

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

RESOLVED to set aside a page in the minutes in recognition for his 12 years of service as Councilman for the Town of Pendleton.

RESOLUTION 07 - 13

DESIGNATE A PAGE IN THE MINUTES FOR RECOGNITION AND APPRECIATION FOR COUNCILMAN HARMAN

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

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

RESOLVED to set aside a page in the minutes in recognition for the four years as Councilman and a member of the Recreation Committee for the Town of Pendleton.

RESOLUTION 08 – 14

RECOGNITION OF JAMES FUREY FOR 50 YEARS OF SERVICE WITH THE WENDELVILLE FIRE COMPANY

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

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

Whereas, James Furey is a long time resident of the Town of Pendleton and has devoted many years of faithful service to the residents of this Town in numerous capacities; and

Whereas, James Furey served with the Wendelville Volunteer Fire Company for 50 years as of the year 2014; and

Whereas, as a Volunteer Fireman, James Furey has sacrificed countless hours of his time for training, drills and firefighting activities; and

Whereas, James Furey has also served the Wendelville Volunteer Fire Company in the following capacities:

- 1) Vice President 1983
- 2) President 1983, 1984, 1985
- 3) Committee member for the 75th Anniversary Committee for the Fireman's Memorial

Whereas, James Furey has willingly placed his life and health at peril for the protection of his fellow citizens; and

Whereas, throughout those 50 years his efforts have contributed to the protection of life and property in the Town of Pendleton without thought of reward to himself; and

Whereas, his years of service as a Volunteer Fireman constitute public services in its highest form;

Whereas, The Town Board wishes to express its sincere appreciation and gratitude for James Furey's selfless volunteer actions;

Now, therefore, be it resolved, that the Town Board of the Town of Pendleton hereby unanimously conveys its recognition and commendation upon James Furey, and thanks him for his 50 years of service with the Wendelville Volunteer Fire Department.

RESOLUTION 09 – 14

RECOGNITION OF GARY BRAUNSCHEIDEL FOR 50 YEARS OF SERVICE WITH THE WENDELVILLE FIRE COMPANY GARY BRAUNSCHEIDEL

Motion by Councilman Leible, seconded by Councilman Jarvis, the following resolution was
ADOPTED Ayes 5 Riester, Leible, Morrison, Fischer, Jarvis

 Nays 0

Whereas, Gary Braunscheidel is a long time resident of the Town of Pendleton and has devoted many years of faithful service to the residents of this Town in numerous capacities; and

Whereas, Gary Braunscheidel. served with the Wendelville Volunteer Fire Company for 50 years as of the year 2014; and

Whereas, as a Volunteer Fireman, Gary Braunscheidel has sacrificed countless hours of his time for training, drills and firefighting activities; and

Whereas, Gary Braunscheidel has also served the Wendelville Volunteer Fire Company in the following capacities:

- 1) Assistant Foreman

- 2) Foreman
- 3) First Assistant Chief
- 4) Longtime Mechanic

Whereas, Gary Braunscheidel has willingly placed his life and health at peril for the protection of his fellow citizens; and

Whereas, throughout those 50 years his efforts have contributed to the protection of life and property in the Town of Pendleton without thought of reward to himself; and

Whereas, his years of service as a Volunteer Fireman constitute public services in its highest form;

Whereas, The Town Board wishes to express its sincere appreciation and gratitude for Gary Braunscheidel's selfless volunteer actions;

Now, therefore, be it resolved, that the Town Board of the Town of Pendleton hereby unanimously conveys its recognition and commendation upon Gary Braunscheidel, and thanks him for his 50 years of service with the Wendelville Volunteer Fire Department.

The Building Department submitted to the Town Board a request for a review and revision of the Town Code to include provisions for dealing with unsafe buildings and collapsed structures. The Board will forward the request to the Planning Board for their recommendations.

RESOLUTION 10 – 14

FORWARD TOWN CODE REVISION FOR REVIEW TO THE PLANNING BOARD

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

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

Resolved to forward to the Planning Board the Building Department's request for the review of the Town Code for dealing with unsafe buildings and collapsed structures.

ORGANIZATION – FISCAL - AUTHORIZATIONS

RESOLUTION 11 - 14

OFFICIAL DEPOSITORIES

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

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

Resolved, the First Niagara Bank, N.A. 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:

James Riester	Supervisor	Accounts ending with:
Darya Vaillancourt	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.

RESOLUTION 12 - 14

OFFICIAL NEWSPAPER

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

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

Resolved to designate the Union-Sun & Journal as the Town's official newspaper.

RESOLUTION 13 - 14

PETTY CASH FUNDS

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

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

Resolved to establish the following petty cash funds: Town Clerk; \$200.00, Tax Collector; \$100.00, Water District; \$150.00, and Sewer District; \$100.00

RESOLUTION 14 - 14

PETTY CASH FUNDS FOR THE FARMER'S MARKET

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

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

Resolved to establish the following petty cash for the Farmer's Market for \$150.00.

RESOLUTION 15 - 14

REGULAR MEETING DATES

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

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

Resolved to postpone for discussion at the work session.

RESOLUTION 16 - 14

FREQUENCY OF PAYROLL

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

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

Resolve to pay on a **bi-weekly** basis: Supervisor, Town Clerk, Assessor, Highway Superintendent, Water/Sewer Superintendent, Highway, Sewer and Water Department personnel, Building Inspectors, general clerks, laborers, Justice Clerks, and Planning Board Administrator. **Quarterly** basis: the Town Justices, Councilman, and Dog Control Officer. **Annual** basis: Planning Board, Zoning Board of Appeals, Conservation Board, Board of Assessment Review, Registrar of Vital Statistics, Budget Officer and Town Historian.

RESOLUTION 17 - 14

COURT SECURITY OFFICERS

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

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

Resolved to appoint Patrick Williams, George Julius, and Joseph Moll (substitute), as Court Security Officers.

RESOLUTION 18 - 14

RECORDS MANAGEMENT OFFICER, REGISTRAR OF VITAL STATISTICS AND INVESTIGATOR OF BINGO AND GAMES OF CHANCE

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

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

Resolved to appoint Town Clerk Terry Pienta as Records Management Officer, Registrar of Vital Statistics and Investigator of Bingo and Games of Chance.

RESOLUTION 19 - 14

APPOINTMENT FOR PLANNING BOARD CHAIRMAN

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

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

Resolved to appoint Joe McCaffrey as Chairman for the Planning Board and Joe Kania as Administrative Assistant.

RESOLUTION 20 - 14

ZONING BOARD OF APPEALS CHAIRMAN

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

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

Resolved to appoint Wolfgang Buechler as Chairman for the Zoning Board of Appeals.

RESOLUTION 21 - 14

AUTHORIZATION FOR CODE ENFORCEMENT OFFICER TO PROCEED WITH ISSUEING VIOLATIONS FOR NOT MAINTAINING GRASS

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

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

Resolved to authorize the Code Enforcement Officer to proceed for the work to be done, with the expense to be assessed upon the affected properties, and the assessment constituting a lien and charged upon such properties providing that notice has been given, and no response or action was taken by the home to control brush, grass and/or weeds.

RESOLUTION 22 - 14

STORMWATER MANAGEMENT OFFICER (SMO)

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

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

Resolved to appoint Water/Sewer Superintendent James Argo as the Town's Stormwater Manager (SMO) for 2014.

RESOLUTION 23 - 14

AUTHORIZATION FOR MILEAGE REIMBURSEMENT

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

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

Resolved to authorize mileage reimbursement per IRS amount to be paid by voucher on a monthly basis to the Supervisor, Highway Superintendent, members of the Town Board, Town Clerk, Assessor, Dog Control Officer, Tax Collector, Building Inspectors, Town Justices and Court Clerks and anyone authorized by the Board.

Procurement policy – will remain as is but will be reviewed by the Town Board and by the Town Attorney.

RESOLUTION 24 - 14

CODE OF ETHICS

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

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

Resolved to renew the existing Code of Ethics with the removal of the phrase “to be passed out in booklet form on an annual basis”.

RESOLUTION 25 - 14

AUTHORIZATION FOR SUPERVISOR

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

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

Resolved to authorize the Supervisor to invest surplus monies pursuant to Town Law, pay principal and interest on debts, pay utility and necessary bills prior to audit.

RESOLUTION 26 - 14

AUTHORIZE HIGHWAY SUPERINTENDENT

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 Highway Superintendent to purchase stone, oil, culvert pipe, etc within the budget at County prices.

RESOLUTION 27 - 14

MEMBERSHIP TO THE NEW YORK STATE ASSOCIATION OF TOWNS

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

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

Resolved to authorize membership for the Town of Pendleton to the New York State Association of Towns.

RESOLUTION 28 - 14

MEMBERSHIP TO THE COUNTY SUPERVISORS ASSOCIATION

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

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

Resolved to authorize membership for the Town of Pendleton to the County Supervisors Association.

RESOLUTION 29 - 14

MEMBERSHIP FOR NYS ASSOCIATION FOR TAX COLLECTORS

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

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

Resolved to authorize membership for the Town of Pendleton to the New York State Association for Tax Collectors.

RESOLUTION 30 - 14

AUTHORIZATION TO SIGN AGREEMENTS

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 following agreements: Wendelville Volunteer Fire Company for Fire Protection for \$282,651.00.
- Wendelville Fire Company for the purchase of fuel from the Town.
- PABA for the amount of \$1,500.00.
- Cities of North Tonawanda and Lockport for the use of their Public Libraries for \$19,000.00 for each library.
- NIACAP for \$1,500.00.

BOARD MEMBERS DISCUSSION

Councilman Leible commended the Fire Department and the Sheriff's Department on the great job they have been doing, especially during the bad weather.

A Work Session was scheduled for Tuesday, January 21st at 7:00 P.M.

Motion by Councilman Morrison, seconded by Councilwoman Jarvis to adjourn to Executive Session for personnel reasons at 7:50 P.M. Motion carried.

Motion by Councilman Morrison, seconded by Councilman Leible to adjourn from Executive Session and the Regular Meeting at 8:10 P.M. Motion Carried.

Terry J. Pienta, Town Clerk