

TOWN OF PENDLETON
Work Session
May 31, 2017

A work session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, N.Y. on the 31st day of May, 2017. The meeting was scheduled for 7:00 P.M.

Supervisor Maerten opened the meeting at 7:08 P.M.

Supervisor Maerten, Councilman Fischer, Councilman Ostrowski, Councilman Leible were present. Councilwoman Jarvis was absent. Also present:

Terry Pienta – Town Clerk
Claude Joerg – Attorney
Don Bergman – Budget Officer
Mark Walter – Fire Chief
Kelli Coughlin - Assessor
Jim Argo – Water-Sewer Superintendent

There were approximately 10 residents in attendance.

Mr. Braunscheidel spoke to the Town Board regarding a drainage easement he signed 49 years ago when he first moved into the Creekview subdivision. He recently met with the Board of Appeals for a request to construct an addition to an existing accessory structure that would run three foot across the easement so his request was denied. He showed the Board a letter from Highway Superintendent Stowell that the easement at his end of the subdivision was not needed and has never been used by the Town for any reason. After a brief discussion it was determined that the easement was not necessary and Mr. Braunscheidel's Attorney could draw up the paperwork to release the easement.

RESOLUTION 99 – 17

RELEASE EASEMENT AT 7002 CREEKVIEW DRIVE

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was
ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski
 Nays 0

Resolved to allow for the release of the easement at 7002 Creekview Drive.

RESOLUTION 100 – 17

**AMEND RELEASE CONTINGENT UPON THE TOWN ATTORNEY TO REVIEW PREVIOUS TO
RELEASE OF THE EASEMENT AT 7002 CREEKVIEW DRIVE**

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was
ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski
 Nays 0

Resolved to amend Resolution 99-17 to be contingent upon the review by the Town Attorney to allow for the release of the drainage easement at 7002 Creekview Drive that was signed 49 years ago.

Currently the Town faxes the payroll to the company that provides the payroll service. Deputy Town Clerk has requested to move to an online procedure. There will be a one-time fee of \$100.00 to make the transition along with training.

RESOLUTION 101 – 17

AUTHORIZE THE EXPENDITURE OF \$100.00 FOR ONLINE PAYROLL

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was
ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski
 Nays 0

Resolved to authorize the expenditure of a onetime fee of \$100.00 to transition from a manual to electronic reporting for payroll with Computer Search Company that has been our provider for the Town's payroll for many years.

RESOLUTION 102 – 17

ACKNOWLEDGE COURT AUDIT

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski
Nays 0

Resolved and acknowledge that the audits for the year of 2016 for the Honorable Judge Maziarz and the Honorable Judge Mack have been conducted, the records have been found in good order and the audits are on file in the Town Clerk's Office.

Supervisor reported that the contractor for the new Dollar General on South Transit Road will be connecting to the Niagara County Sewer District Manhole 3-11.

RESOLUTION 103 – 17

AUTHORIZE THE REQUEST FOR PERMISSION FOR NCSD CONNECTION AT MANHOLE 3-11 AT 6726 S TRANSIT ROAD

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski
Nays 0

Resolved to authorize the Supervisor to sign the request to connect to Niagara County Sewer District Manhole 3-11 for the new construction of Dollar General at 6726 South Transit Road.

Supervisor Maerten reported that the Town asked for a Home Rule decision from the Senate requesting the Town of Pendleton to be allowed to reduce the maximum speed limit on a portion of Mapleton Road to 45 MPH. The Town also needs to request the same from the Assembly.

RESOLUTION 104 – 17

AUTHORIZATION TO PROCEED WITH A REQUEST FOR HOME RULE BILL #7565 FOR THE NY STATE ASSEMBLY

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

ADOPTED Ayes 4 Maerten, Leible, Ostrowski, Fischer
Nays 0

Resolved to authorize the request for a Home Rule Bill #7565 allowing for the Town of Pendleton to reduce the maximum speed limit on a portion of Mapleton Road to 45 MPH and provide copies to Assembly Home Rule Council.

RESOLUTION 105 – 17

AUTHORIZATION FOR THE SUPERVISOR TO SIGN

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

ADOPTED Ayes 4 Maerten, Leible, Ostrowski, Fischer
Nays 0

Resolved to authorize the Supervisor to sign the agreement with Creative Structures Services Inc. to provide long term maintenance and continuation of stormwater control measures for the project located on the premises of 6726 Transit Road.

Supervisor Maerten scheduled three Public Hearings for June 12 as follows:

- Transfer of Funds for Pendale Project at 6:45 P.M.
- Transfer of Funds for a Chipper at 6:50 P.M.
- Zoning Change-Robinson Road at 6:55 P.M.

A Public Informational Meeting was scheduled for 6:40 P.M. for public input for enhancements to the Town's existing Trail.

RESOLUTION 106 – 17

AUTHORIZATION FOR THE SUPERVISOR TO SIGN NIAGARA COUNTY REFERRAL FORM

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

ADOPTED Ayes 4 Maerten, Leible, Ostrowski, Fischer
Nays 0

Resolved to authorize the Supervisor to sign the referral form for the Zoning Change request for 6110 Robinson Road.

RESOLUTION 107 – 17

AUTHORIZATION FOR THE COMMUNITY CELEBRATION COMMITTEE TO RENT STAGE FROM NIAGARA FALLS

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

ADOPTED Ayes 4 Maerten, Leible, Ostrowski, Fischer

Nays 0

Resolved to authorize the Community Celebration Committee to spend \$750.00 to rent a stage from Niagara Falls for the Pendleton Farm and Home Days in August.

RESOLUTION 108 – 17

AUTHORIZE THE EXPENDITURE OF \$4,500.00 FOR 15 TABLES AND 7 GRILLS FOR THE PARK

Motion by Supervisor Maerten, seconded by Councilman Leible, the following resolution was

ADOPTED Ayes 4 Maerten, Leible, Ostrowski, Fischer

Nays 0

Resolved to authorize the expenditure of \$4,500.00 through Jamestown Advanced Products at State Bid pricing for 15 picnic tables and 7 new grills for the Pendleton Parks.

Councilman Leible requested estimates to replace the lighting in the park shelters. The estimates include NY State prevailing wage.

- Twin City Electric – no response
- Brady Electric - \$2,315.00
- **Brown Electric - \$1,966.50**

RESOLUTION 109 – 17

AUTHORIZE THE EXPENDITURE OF \$1,966.50 FOR THE REPLACEMENT OF LIGHT FIXTURES IN THE PARK SHELTERS

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

ADOPTED Ayes 4 Maerten, Leible, Ostrowski, Fischer

Nays 0

Resolved to authorize the expenditure of \$1,966.50 for the replacement of lights in the park shelters to Brown Electric with prevailing wage included in the estimate.

Councilman Leible requested estimates to repave the floor in the Grange Town Park shelter.

- Berry's Blacktop – no response
- Matinas Blacktop – no response
- J & S Blacktop – (1.5 inch blacktop) - \$3,900.00 (did not include prevailing wage)
- **Todd Erection – (2 inch blacktop) - \$4,100.00 (prevailing wage)**

RESOLUTION 110 – 17

AUTHORIZE THE EXPENDITURE OF \$4,100.00 TO RESURFACE THE FLOOR OF THE GRANGE SHELTER

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

ADOPTED Ayes 4 Maerten, Leible, Ostrowski, Fischer

Nays 0

Resolved to authorize the expenditure of \$4,100.00 to resurface the floor of the Grange shelter with 2 inches of blacktop to Todd Erection.

RESOLUTION 111 - 17

WENDELVILLE VOLUNTEER FIRE COMPANY NEW MEMBERS

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

ADOPTED Ayes 4 Maerten, Leible, Ostrowski, Fischer

Nays 0

Resolved to add new Wendelville members Jacob Soles and William Wagner Jr. to the Town's Insurance effective immediately.

Tom Thompson and Rod Neubauer from the Pendleton Veterans Association showed the Board a conceptual design for the Pendleton Veteran's Monument they hope to locate in the front of the Town Hall. They also submitted a "Memo of Understanding" that they are asking the Town to agree to and what the Association would be responsible for through the donations they are receiving. The responsibilities/suggestions will be reviewed by the Attorney and the Town Board.

Supervisor Maerten asked for authorization to sign the Teamster's Local Union #264 Memorandum of Agreement to address a classification and wage scale change for Aaron Bair. He has met the requirements for Sewer and Water Maintenance classification.

RESOLUTION 112 - 17

TEAMSTERS #264 MEMORANDUM OF AGREEMENT TO CLASSIFICATION

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED Ayes 4 Maerten, Leible, Ostrowski, Fischer
Nays 0

Resolved to authorize the Supervisor to sign the Teamster's Local Union #264 Memorandum of Agreement for a classification and wage scale change for Aaron Bair as he has completed the requirements for the classification of Sewer and Water Maintenance position.

RESOLUTION 113 - 17

PAY FOR SUMMER HELP FOR THE PARKS

Motion by Councilman Leible, seconded by Councilman Ostrowski, the following resolution was ADOPTED Ayes 4 Maerten, Leible, Ostrowski, Fischer
Nays 0

Resolved to set pay for summer help for the park at \$10.05 per hour.

Other Items Discussed

- As proposed in 1999 Town Board decision to add Storage Units allowed in a Medium Commercial Zone but was never added to the Town's Code will be reviewed by Attorney Joerg
- The Niagara County Hazard Mitigation Plan – Attorney Joerg pointed out that the last 2 pages are requirement that the Town would be agreeing to do. He suggested that the Planning Board review and implement some of the areas of suggestions in the planning stages of development
- Office of Parks and Recreational and Historic Preservation for Trail Grants – 80%/20% grant for enhancements to the Town's existing trail. An informational meeting is scheduled for June 12th at 6:40 P.M.
 - Repaving, trailheads, signage, lighting are some of the suggestions
- AED Policy template – Attorney Joerg to review
- Community Grant – mural on the old Town garage depicting the history of the building that was an old freight house and the Town of Pendleton possibly add to the mural with another application for the grant

Motion by Councilman Fischer, second by Councilman Leible to adjourn to Executive Session to discuss litigation with the Town Attorney at 8:46 P.M.

Motion by Councilman Fischer, seconded by Councilman Leible to adjourn from Executive Session and the Work Session at 9:32 P.M. Motion carried.

Terry J. Pienta, Town Clerk