

TOWN OF PENDLETON
Work Session
September 26, 2016

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 26th day of September 2016. The meeting was scheduled for 7:00 P.M.

Supervisor Maerten opened the meeting at 7:06 P.M.

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

Don Bergman-Budget Officer
Jim Argo – Water-Sewer Superintendent
Ken Smith – Deputy Highway Superintendent
Kelli Coughlin - Assessor

There were approximately 14 residents in attendance.

AGENDA ITEMS

Justice Court Assistance Program

Nathan Taylor from Rotella Grants said that he has been working with Councilman Ostrowski and Justice Maziarz for the application of a grant from the Justice Court Assistance Program. They have selected desks and chairs, security cameras and a keyless entry system. The program does allow for \$30,000.00 per municipality and the items on the application are below that amount.

RESOLUTION 110 – 16

JUSTICE COURT ASSISTANCE PROGRAM 2016 GRANT APPLICATION

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

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

 Nays 0

WHEREAS the State of New York Unified Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, automation, furniture, supplies and training.

WHEREAS the funding available under the State of New York Unified Court System would facilitate local efforts in upgrading the Town's Justice Departments.

RESOLVED that the Supervisor of the Town of Pendleton is hereby authorized and directed to file an application with the Justice Court Assistance Program not to exceed \$30,000 in grant funding.

Nathan Taylor reported that the Town has been awarded \$50,000.00 for financial assistance for a specific project to purchase backup generators which are needed to maintain vital pump stations located throughout the Town. This grant is through the State and Municipal Facilities

Program (SAM) administered through the Dormitory Authority State of New York (DASNY). He asked the Board to authorize the Supervisor to sign the agreement for that purchase.

RESOLUTION 111 – 16

AUTHORIZATION FOR THE SUPERVISOR TO SIGN GRANT FOR BACK UP GENERATORS

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

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

WHEREAS, the Pendleton Town Board desires the acquisition of grant funding to complete the Town of Pendleton's project for the purchase of a new backup generator for the Town's Pendale pump station located at Tonawanda Creek Road in the Town of Pendleton, New York 14094; WHEREAS, the Pendleton Town Board has endorsed an application requesting \$50,000 for financial assistance through the State and Municipal Facilities Program (SAM) administered through the Dormitory Authority State of New York (DASNY) in the form of grant funding; WHEREAS, the Pendleton Town Board commits to providing no less than \$10,000 in municipal funds to insure the timely implementation and completion of the proposed project; BE IT FURTHER RESOLVED, that the Pendleton Town Board authorizes the Town Supervisor to sign all documents and agreements related to the Dormitory Authority State of New York (DASNY)'s contract when received and reviewed by the Town Board; RESOLVED, that the Town of Pendleton, will provide the funds required to implement and complete the project as submitted to the Dormitory Authority State of New York (DASNY) and execute a project agreement for such financial assistance for purchase of three backup generators to maintain these vital pump stations in the event of an emergency or natural disaster.

RESOLUTION 112 - 16

AUTHORIZATION TO SIGN SEQR SHORT FORM AND ISSUE A NEGATIVE DECLARATION FOR THE PROJECT (GENERATOR)

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

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

Resolved, that based upon the findings made for a grant request for a backup generator for the Pendale Pump Station will not result in any adverse environmental impacts and to authorize Supervisor Maerten to sign and issue a Negative Declaration.

FEMA

Engineer Dave Britton gave a brief history regarding the update to the FEMA maps.

- January 2013 FEMA accepted the map changes that GHD (formerly CRA) had provided. The changes impacted 516 parcels (some are vacant land) along Tonawanda Creek and part of the canal.
- February 2016 FEMA issued the updated mapping, which was discovered that they provided the old maps not the updated ones
- May 2016 reissued the updated maps which lowered the flood elevations from Bear Ridge Road and extended past Pendale subdivision up to the canal.

- September 2016 received a letter that outlined the next step which is a 90 day appeal process.
- The Public notice was to be Published in the Union Sun and Journal two separate times
- In January/February FEMA will write a letter of final determination
- At that time it will begin a six month process for the Town to adopt the maps, have a Public Hearing, process any updates for the Town's code.
- During the six months the Town could notify the parcels/land owners involved to inform them of the process

Deputy Highway Superintendent Ken Smith gave the Board an amendment for the 2016 §284 Agreement.

RESOLUTION 113 – 16

AMEND THE 2016 §284 AGREEMENT

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 amend the original 2016 §284 Agreement dated February 8 Resolution 47-16.

Supervisor Maerten discussed the funding for Fisk Road. Previously the Board had agreed to look into funding for the project. There is \$1,000,000.00 in Federal money that can be used toward the project. With construction costs increasing and interest rates very low he feels that the Town should go forward and look for funding the rest of the cost. He has met with Don Bergman, Budget Director, the Town's accountants, the County Treasurer, Town Attorney, and a couple of men that do bonding. He has also met with Superintendent Stowell and Rick Eakin from the County Highway Department to discuss the project and to see how to move ahead if the Town commits to doing the project. The work that would be required before any work could be done involves an engineer design the project, putting out to bid, awarding the bid. In the meantime financing would have to be set up. This would involve bonding approximately 1.5 to 1.7 million dollars for the Town's share. A few things he would like the Board to consider as a vision for the future; combine the purchase of a salt shed large enough to house some of the Highways equipment to move it out of the old Town Garage with the cost of the bonding; once the garage is emptied it could be repurposed and remodeled to accommodate the Historical Society. There is also the consideration that many residents are interested in having a community center.

Supervisor Maerten also announced that Modern Corporation won the bid for the Refuse/Waste Collection and Recyclables Collection. The contract should be ready by the next Regular Meeting October 10th.

Assessor Kelli Coughlin reported that when National Fuel and Tonawanda Sportsman Club filed their title search it was discovered that there is a small parcel (66 ft. X 165 ft.) that has no owner. The title search states that the title was lost in the early 1900s. A new SBL will be created, along with a tax bill with the owner being "unknown". After 4 years of non-payment it will go into foreclosure and any land owner surrounding that parcel could buy it. At this time she needs to

know where to send the tax bill. He suggested that she contact Attorney Claude Joerg. She also reported that at her Conference it was suggested that she run a few reports for the Board so they could see where the Town is headed because we have not done a "reval" for assessments; the reports are showing about a 10 point drop for the equalization rate.

Supervisor Maerten reported that Mason's Mission/Lions Club and the Town of Pendleton have received a commitment from Senator Ortt's Office that if the Town of Pendleton were to build a 100% American with Disabilities Compliant Handicap Accessible Playground that will be funded by donations to the Mason Mission Foundation, the Senator's Office will provide grant funding in the amount of \$150,000.00. The Town of Pendleton agrees to maintain the playground if the funded collected by Mason's Mission are not sufficient to cover all costs.

RESOLUTION 114 - 16

SUPPORT OF ACCEPTING FUNDING FOR A "HANDICAP ACCESSIBLE PLAYGROUND"

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

ADOPTED: Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski

Nays 0

WHEREAS, many families in the Town of Pendleton have children with various disabilities and don't have a public place for their children to enjoy recreational opportunities; and

WHEREAS, on April 25, 2016 the Town of Pendleton passed a resolution authorizing the expenditure of \$2,500.00 to be matched by a \$5,000.00 contribution from the Pendleton Lion's Association for certain handicap accessible playground equipment for use at the Pendleton Town Park, on Campbell Boulevard, Pendleton, New York; and

WHEREAS, the Town of Pendleton has determined that it is a worthwhile project to construct an entire playground which would satisfy the Americans With Disabilities Act [ADA], such a wheelchair accessible playground can be used by all families in Pendleton and Western New York, such playground will be located wholly within the Town of Pendleton at the Pendleton Town Park, on Campbell, Pendleton, New York; and

WHEREAS, the estimated cost for the construction of an entire playground which would satisfy the Americans with Disabilities Act [ADA], and is wheelchair accessible is approximately \$445,000, and

WHEREAS, New York State Senator Robert G. Ortt shares the commitment of the Town of Pendleton to make such an ADA compliant playground available to disabled residents of Pendleton as well as other residents of Western New York and agrees to make a \$150,00.00 grant of New York State funding; and

WHEREAS, the balance of the cost of such project [i.e. approximately \$295,000.00] shall be paid through multiple donations coordinated through a 501(c) (3) not for profit organization; and

WHEREAS, the construction of the ADA compliant playground in the Town of Pendleton shall commence in May 2017 with an anticipated completion date of September 2017; and

WHEREAS, the cost for all ongoing maintenance and upkeep will be provided by the Town of Pendleton; now therefore, be it

RESOLVED, that the Town of Pendleton hereby accepts the grant funding offered by New York State through New York State Senator Robert G. Ortt for the construction of the ADA compliant playground in the Town of Pendleton; and be it further

RESOLVED that the Town of Pendleton hereby accepts all donations coordinated through a 501(c) (3) not for profit organization for the construction of the ADA compliant playground in the Town of Pendleton.

The Celebration Committee has been working on next year's Pendleton Day for August 18th & 19th Field Days. They are at the point that they need seed money to begin making down payments for entertainment, purchases, and advertising for the events. They had questions regarding the cost for the various items and who will be managing the money, who will review contracts as they make their selections with the entertainment and vendors. A motion was made to provide seed money, but further discussions raised too many legal questions regarding profits, accounts, giving advertised items away, etc. so it was decided to rescind the motions that were made and to clarify everything with the Town Attorney before any money is provided.

Assessor Kelli Coughlin reported that the Niagara County Legislature did increase the income limits for the aged exemption. She will email to the Board the increase the County has passed and she hopes the Town can make a proposal too.

Councilwoman Jarvis asked if the Town has given any thought to planting an evergreen tree for the "Lighting of the Tree Ceremony" that was done last year. Nothing definite was decided.

Supervisor Maerten schedule a Budget Work Session for October 3 at 7:00 P.M.

Motion by Councilman Fischer, seconded by Councilman Ostrowski, to adjourn to Executive Session with Assessor Coughlin for a personnel reason. Motion carried.

Motion by Councilman Fischer, seconded by Councilman Ostrowski at 9:56 P.M. to adjourn from the Executive Session and the Work Session. Motion carried.

Terry J. Pienta, Town Clerk