

**TOWN OF PENDLETON
REGULAR MEETING
December 11, 2017**

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 11th day of December 2017 at 7:00 P.M. A Public Hearing was scheduled for 6:50 P.M. for the proposed amendments to the Town Code. The notice of the Public Hearing was published in the Lockport Union Sun & Journal on December 11th 2017.

PUBLIC HEARING

Supervisor Maerten opened the Public Hearing at 6:55 P.M.

Building Inspector Tim Masters explained the various amendments he was proposing for the Town Code.

- The amendment for §132 Fire Prevention and Building Code Administration was a minor addition. For the definition of CERTIFICATE OF OCCUPANCY he suggested to include CERTIFICATE OF COMPLIANCE throughout the entire chapter.
- The amendment for §247-13 CO2 District was to simply add “Storage Units” and “Storage Facilities” to the list of uses that are allowable by right in the Medium Commercial Zoning. The Board had previously approved the addition in 1995 but it was not added to the code.
- The current signage code makes it difficult to address complaints that are received from residents. The changes he is proposing will help to address some of these complaints.
- The fee schedule has been updated and he has compared it to other Towns. The current fees do not sufficiently cover the cost and time spent on various projects. The fees he is proposing will not be the highest being charged in the area but the Town of Pendleton will no longer be the lowest.
- He has proposed an amendment to §247-41 Domestic Animals and Livestock to the definition of Domestic Use. He would like to add one, “Pot Belly Pig”, to be allowed if kept as a house pet.
- His final proposed addition would be an entire Chapter for Property Maintenance. It would make it easier for his department to issue violations to property owners that do not maintain their property.

There were no questions or comments.

Motion by Councilman Leible, seconded by Councilwoman Jarvis to close the Public Hearing at 6:59 P.M. Motion carried.

REGULAR MEETING

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 11th day of December 2017 at 7:00 P.M.

Supervisor Maerten opened the Regular Meeting at 7:04 P.M.

Supervisor Maerten read the invocation and led the salute to the flag. He asked for a moment of silence for former Town Justice and a longtime member of the Wendelville Fire Company, John Moyer.

ROLL CALL:	Supervisor Maerten	present
	Councilman Leible	present
	Councilman Ostrowski	present
	Councilman Fischer	present
	Councilwoman Jarvis	present

Also present were:

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

Resolved to set aside a page in the minutes for Councilwoman Aimee Jarvis and Town Clerk Terry Pienta for their years of service.

He also announced that the Family swim program will begin on January 5th thru to February 23rd from 7:00 to 9:00 in the evening, children must be accompanied by an adult. If the school is closed due to the weather the swim program will be canceled. He also wished everyone a happy and safe Christmas.

Councilman Fischer said that everyone had a great time at the tree lighting ceremony. It was an excellent evening and he said the participation this year was so many more people than last year and he wonders where all the people will go if it continues to grow. Assessor Coughlin said she already has plans for that and will discuss the ideas she has with the Board. He thanked the Historical Society for participating with their cookie sale. He also wanted to thank Clerk Pienta for her help through the years. When you first come on the Board you don't really know what to expect but he found that he could ask Town Clerk Terry Pienta anything and she would have the answer. He also thanked Councilwoman Aimee Jarvis for her service on the Town Board. He reported that the Highway Department has finished painting and installing stakes to guide the snow plows, put the plows on the trucks and tested them, installed the outdoor Christmas decorations, put up a new snow fence at the Ice Rink, repaired four bubblers in the subdivision, installed new pipe for two driveways, continued to mow roadside ditches, took down soccer nets and tennis sets, replaced rotted pipe at two driveways on Killian, installed binder and topped six driveway aprons from culvert repairs, chipped brush for five days, repaired equipment as needed, repaired signs as needed and loaded one dumpster with tires for disposal. He reported that the Sewer Department had 11 regular time sewer calls, three overtime calls, one pressure sewer break repair on Meyer Rd., seven sold home compliance sewer-water inspections, 39 underground utility stake out requests were completed, prepared the pallets for electronic waste pickup, 11 recycling totes were delivered, set up and took down tables at the Town Hall for the Seniors and collected their garbage, and three sewer/water open trench inspections were completed. In the Water Department there was one water main repair on Robinson Road, ten new home water meters installed, 11 final water reads were completed, five fire hydrants repaired that broke while flushing, completed the flushing, inspecting and lubing all of the hydrants, blacktopped two shoulder areas where they had to dig for water main taps for new homes, filled the ice rink up with water and completed stage two quarterly water samples. He also wished everyone a Merry Christmas.

Councilwoman Jarvis thanked the community for a very interesting four years and she learned a lot during her time on the Board.

Councilman Ostrowski also thanked Town Clerk Terry Pienta and Councilwoman Aimee Jarvis for their service and commitment to the Town. He also appreciated Clerk Pienta's guidance when he first came on the Board and she always made sure that she told us what we needed to do and suggested how to get it done. He also wanted to comment on the support from so many people that have volunteered to do things to bring the community together. The community is growing and it is nice to see everyone enjoying the activities. He also wished everyone a Merry Christmas.

Supervisor Maerten reported that he was asked last month about the two grants that the Town has received for the all-inclusive playground equipment. The Town is required to pay for everything and then file for reimbursement. He was informed that the first grant that was awarded (\$150,000.00) will be received electronically this month. The second grant is in the process of filing the paper work and is moving along. He expects that the reimbursement will come shortly after the paper work has been filed with the state.

Engineer Britton updated the Board regarding the Fisk Road project that the environmental component has been completed. The soil borings have been completed and the preliminary conceptual design has also been done. He will complete the paper work and will send that in to the Department of Transportation (DOT). So far everything is on schedule.

Claude Joerg said that he appreciates all the work done by Town Clerk Terry Pienta and that most people don't know what is done behind the scene. He also told Councilwoman Jarvis that he will miss her and she has been a wonderful friend and he wished her good luck in the future. He also wished everyone a great Christmas.

DEPARTMENT HEADS

Building Inspector Tim Masters reported that 18 permits were issued in November and eight Contractor Licenses were submitted. They continue to work on the various open projects. A total of 57 new home permits have been issued so far this year. To put it in perspective the Town of Lewiston had about ten new home permits that were issued and Wheatfield had about two. They continue to work on the violations around Town including a couple of "zombie" houses. The state is coming out with new laws that will help with that problem in the future.

Water-Sewer Superintendent Jim Argo had nothing to report.

Assessor Kelli Coughlin wanted everyone to know how much she appreciates Clerk Pienta and will miss her. She has been in the Town Hall for as long as she has been working there. She also thanked Councilwoman Jarvis for her participation in the Town. She also wanted to thank the Town Board for allowing her to plan the tree lighting ceremony for the Town. She was thrilled to have so much of her wish list come true, especially having Mr. and Mrs. Santa participate and they did a great job. They have already said they will come back next year. She also thanked Water-Sewer Superintendent Argo and his department. Without their help things would have been a lot harder to bring everything together. She had additional programs if anyone wanted to see how several business' in the community donated time or money to the tree lighting ceremony, without their participation it would not have been as successful as it was. Last year there were about 40 people that came and took part in the ceremony but this year there were about 200 people that joined in. She is already planning next year's ceremony. She also announced that all the office doors have been decorated and will be judged by anyone who brings in a nonperishable food item by December 20th they will receive a token for each item brought in. They can drop their tokens in the stockings at their favorite door. The stocking with the most tokens will win. All food items will be donated to the Pendleton Food Pantry.

Budget Director Don Bergman reported that he will be working on the end of year transfers and will provide the specific budget lines when all 2017 payments have been made.

NEW BUSINESS

RESOLUTION 185 - 17

APPROVE PROPOSED FEE SCHEDULE

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

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

Nays 0

Resolved to approve the fee schedule revisions as proposed by Building Inspector Tim Masters during the Public Hearing.

RESOLUTION 186 - 17

LOCAL LAW 07-2017 APPROVE AMENDMENT TO LOCAL LAW 03-2006 §132 FIRE PREVENTION AND BUILDING CODE ADMINISTRATION

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

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

Nays 0

Resolved to approve Local Law 07 -2017 with the amendments proposed that will supersede Local Law 03-2006 Fire Prevention and Building Code Administration.

RESOLUTION 187 - 17

APPROVE ADDITION TO §247-41 DOMESTIC ANIMALS AND LIVESTOCK: ONE POT BELLY PIG

Motion by Councilman Leible, seconded by Councilwoman Jarvis, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski
Nays 0

Resolved to allow for one Pot Belly Pig (§247-41 C (4) Domestic Animals and Livestock) on less than 10 acres of land provided it is kept indoors as a domestic animal.

RESOLUTION 188 - 17

ADDITION TO TOWN CODE LOCAL LAW 08 – 2017 §198 PROPERTY MAINTENANCE

Motion by Councilman Leible, seconded by Councilman Fischer the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski
Nays 0

Resolved to approve the addition of §198 Property Maintenance Local Law 08 – 2017 as proposed during the Public Hearing.

RESOLUTION 189 - 17

ADD STORAGE UNITS AND STORAGE FACILITIES AS USE BY RIGHT TO MEDIUM COMMERCIAL ZONING

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski
Nays 0

Resolved to add Storage Units and Storage Facilities to the list of uses allowable by right to the Medium Commercial Zoning that was approved in 1995 but not added to the Town's Code.

Amendment for signage code that was presented during the Public Hearing was tabled.

RESOLUTION 190 - 17

**COMMEMORATION OF THE 200TH ANNIVERSARY OF THE TOWN OF AMHERST
RESOLUTION**

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

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

WHEREAS, The Town of Amherst, New York celebrates its Bicentennial in the year of 2018 and it is fitting to recognize the Town of Amherst on the occasion of this special milestone and to applaud its distinguished history; and

WHEREAS, The Town of Amherst was officially created on April 10, 1819 from part of the town of Buffalo (later known as the city of Buffalo), has a total area of 53.28 square miles, is the largest Town in Erie County, New York and includes the Village of Williamsville as well as the hamlets of Eggertsville, Getzville, Snyder, Swormville and East Amherst; and

WHEREAS, In the nineteenth century Amherst was a prosperous farming community with seven grist mills, several saw mills, a tannery and boot and shoe factory and two forges with commercial activity centered in Williamsville; and

WHEREAS, The Town grew from being primarily a farming community to an urban community in the twentieth century with the creation of new subdivisions, the building of the University of Buffalo Campus in Amherst and the location of the Millard Fillmore Suburban Hospital within the Town; and

WHEREAS, The Town today is comprised of 125,000 residents and provides many facilities and attractions including: a four rink recreational facility that attracts national and international ice tournaments, a state of the art senior center, three libraries, and a State Park; and

WHEREAS, The Town of Amherst will proudly mark its 200th Anniversary with a series of celebrations throughout its Bicentennial Year, beginning on January 1, 2018 with a 200th Birthday Party, and continuing with a gigantic Parade, historic walking tours, slogan contest, Interclub Service Club Luncheon and gala Bicentennial Ball; and

WHEREAS, In recognition of the Town of Amherst's rich history and enduring contributions, it is indeed an honor to pay tribute to this Town upon the occasion of its Bicentennial; now, therefore, be it RESOLVED, That congratulations are sent to the Town of Amherst on their Bicentennial and the Town and its residents are to be enthusiastically recognized as they celebrate this auspicious occasion; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to the Town of Amherst Bicentennial Commission.

RESOLUTION 191 – 17

AUTHORIZATION TO SIGN THE VETERANS MEMORANDUM OF UNDERSTANDING

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

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

Resolved to authorize the Supervisor to sign the agreement with the Pendleton Veteran's Association regarding the placement and upkeep of the proposed memorial.

Supervisor Maerten reported that the Board budgeted to increase the Town Hall custodian's hours from 20 hours to 25 hours. He inquired with Civil Service to be sure that there were no other considerations to increase those hours.

RESOLUTION 192 – 17

CUSTODIAL HOUR INCREASE

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

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

Resolved to authorize the Town Hall custodian to increase the hours of cleaning from 20 hours to 25 hours.

RESOLUTION 193 - 17

AUTHORIZED THE SUPERVISOR TO SIGN CENSUS PARTICIPATION

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

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

Resolved to authorize the Supervisor to sign the census form confirming the Town's participation in the 2020 Census.

Supervisor Maerten reported that the cost for paving the all-inclusive Playground ran over budget by \$3,026.00. He would like authorization to pay the outstanding balance.

RESOLUTION 194 – 17

AUTHORIZATION TO PAY OUTSTANDING BALANCE TO LAFARGE

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

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

Resolved to authorize the Supervisor to pay the outstanding balance of \$3,026.00 to Lafarge for the paving in the Town Park.

RESOLUTION 195 – 17

AUTHORIZE THE SUPERVISOR TO MAKE END OF YEAR TRANSFERS

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

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

Nays 0

Resolved to authorize the Supervisor to make all legal and lawful transfers of unexpended balances from accounts from the 2017 budget to the 2018 budget specific amounts to be recorded in the minutes once the final amounts have been determined.

RESOLUTION 196 - 17

PREPAY LENGTH OF SERVICE AWARD PROGRAM (LOSAP) PAYMENT

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

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

Resolved to authorize the Supervisor to prepay \$30,000.00 to the Service Award Program that is currently in the budget which will allow for a lower payment to budget for next year.

At the previous Work Session Supervisor Maerten reported to the Board to consider looking into the Greenway Grant Fund for the purchase of the Wendelville Grove on Old Tonawanda

Creek Road. He is asking for authorization to sign a letter of intent while the Town pursues the grant request. The President of Wendelville will also sign on behalf of the Fire Company.

RESOLUTION 197 - 17

AUTHORIZATION FOR THE SUPERVISOR TO SIGN A LETTER OF INTENT TO PURCHASE THE WENDELVILLE GROVE ON OLD TONAWANDA CREEK ROAD

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

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

Resolved to authorize the Supervisor to sign a letter of intent to purchase the Wendelville Grove while the Town pursues a Greenway Funding Grant for the purchase.

Supervisor Maerten explained that there are many personnel changes to be effective the first of the year. Town Clerk Terry Pienta is retiring and Deputy Town Clerk Peggy Giberson will be leaving too. Rather than wait for the Organizational Meeting on January 8th some of the appointments should be made at this time. The Town Clerk Elect, Debbie Maurer is in agreement with the following appointments.

RESOLUTION 198 – 17

APPOINT NOREEN LEMMA AS A FULL TIME EMPLOYEE

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

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

Resolved to appoint Noreen Lemma as a full time employee effective December 18th.

RESOLUTION 199 – 17

APPOINT NOREEN LEMMA AS DEPUTY TOWN CLERK

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

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

Resolved to appoint Noreen Lemma as Deputy Town Clerk effective January 1, 2018 to December 31, 2019.

RESOLUTION 200 – 17

APPOINT DEPUTY CLERKS

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

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

Resolved to appoint Stephanie Chase and Julianna Wurzer as Part Time Deputy Town Clerks.

RESOLUTION 201 – 17

APPOINT TOWN CLERK ELECT DEBBIE MAURER AS REGISTRAR

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

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

Resolved to appoint Town Clerk Elect Debbie Maurer as Registrar effective January 1, 2018 thru December 31, 2019.

RESOLUTION 202 – 17

APPOINT NOREEN LEMMA AS DEPUTY REGISTRAR

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

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

Noreen Lemma as Deputy Registrar effective January 1, 2018 thru December 31, 2019.

RESOLUTION 203 - 17

DECLAIR OBSOLETE EQUIPMENT

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

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

WHEREAS, the Town of Pendleton is in possession of two old and damaged desks that have no resale value, and

WHEREAS, the Town of Pendleton is in possession of a set of old pink window blinds that do not have any resale value, and

WHEREAS, the Town wishes to dispose of the equipment in accordance with state and local requirements, so be it,

RESOLVED, that the Town Board authorizes the disposal of the two desks and one set of window blinds.

PUBLIC HEARING

SCHEDULE PUBLIC HEARING FOR JANUARY 8TH AT 6:55 P.M. FOR PROPOSED AMENDMENT TO THE TOWN CODE §247-53 SIGNS

Motion by Councilman Leible, seconded by Councilman Ostrowski, the following resolution was ADOPTED: Ayes 5 Maerten, Leible, Fischer, Jarvis, Ostrowski

Nays 0

Resolved to schedule a Public Hearing at 6:55 P.M. on January 8, 2018 for proposed changes to the Town Code §247-53 Signs.

PUBLIC REMARKS/COMMENTS

Wolfgang Buechler asked if the Board will be discussing the changes that Councilman Ostrowski had concerns with for the amendment for §247 – 53 Signs. Supervisor Maerten said that Councilman Ostrowski will meet with Building Inspector Tim Masters and any changes proposed will be posted for everyone to read. Wolfgang also mentioned that Town Clerk Pienta has been a big help to the Board of Appeals and she makes sure that everything is taken care of properly. She has made everything run much smoother.

Jim Sobczyk asked what was the date and time of the installation of elected officials. Supervisor Maerten said that it will be held on January 1st at 11:00 A.M.

Sara Siracuse said kudos to Clerk Pienta she has been wonderful. She also asked if there have been any updates regarding the parking on Washington Street. Town Attorney Claude Joerg will work with the Planning Board to write an ordinance for the parking issue along that road.

A Work Session for the month of December was not scheduled.

Motion by Councilman Leible seconded by Councilman Fischer, to adjourn from the Regular Meeting at 8:50 P.M. Motion carried.

Terry J Pienta, Town Clerk

IN RECOGNITION
AND APPRECIATION
OF

Aimee Jarvis

FOR HER 4 YEARS OF SERVICE
AS TOWN COUNCILWOMAN
FOR THE TOWN OF PENDLETON

By resolution of the Town Board
On December 11, 2017

IN RECOGNITION
AND APPRECIATION
OF

Terry Pienta

FOR HER 14 YEARS OF SERVICE
AS TOWN CLERK
FOR THE TOWN OF PENDLETON

By resolution of the Town Board
On December 11, 2017