

TOWN OF PENDLETON
March 12, 2018

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 12th day of March, 2018 at 7:00 P.M. A Public Hearing was scheduled to begin at 6:45 P.M.

PUBLIC HEARING

Supervisor Maerten opened the Public Hearing at 6:53 P.M.

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on March 5, 2018 and on the Town's website.

PUBLIC HEARING

The purpose of the Public Hearing was to give the town residents the opportunity to voice their concerns/suggestions to the proposed transfer of \$29,590.00 from Reserve for Equipment (DA0889) to Machinery Fixed Assets (DA5130.02), for the purchase of a 2018 Chevrolet Silverado 3500HD.

A resident asked for clarification on which trucks had already been approved and which transfers were done. There seemed to be confusion around the resolution made at the Special Meeting on February 17, 2018. Budget Officer Bergman explained the various purchases and transfers and cleared up all of the confusion. The resident was satisfied with this explanation.

There were no other public questions or comments.

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

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:08 P.M.

Supervisor Maerten read the invocation and the salute to the flag.

ROLL CALL:	Supervisor Maerten	Present
	Councilman Fischer	Present
	Councilman Graham	Present
	Councilman Leible	Present
	Councilman Ostrowski	Present

Also present were:

Deborah Maurer	Town Clerk
Claude Joerg	Town Attorney
Dave Britton	Town Engineer
Kelli Coughlin	Assessor
Timothy Masters	Building Inspector
Don Bergman	Budget Director
Wolfgang Buechler	Board of Appeals
Mark Walter	Deputy Town Supervisor
Craig Walter	Deputy Highway Superintendent
Sara Siracuse	Conservation Board Chairwoman

There were approximately 24 residents in attendance, 16 of which were Starpoint students.

ADDITIONS OR DELETIONS TO THE AGENDA

Supervisor Maerten deleted item #1 "CNBSA Contract" and item #3 "Rails to Trails" from the agenda.

COMMUNICATIONS

Nothing reported.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

There were no public remarks or comments.

ROUTINE BUSINESS

RESOLUTION 63-18

APPROVAL OF MINUTES

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

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

Nays 0

Resolved that the minutes of the Special Meeting on February 17, 2018 be approved as submitted by Town Clerk Maurer.

RESOLUTION 64-18

APPROVAL OF MINUTES

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

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

Nays 0

Resolved that the minutes of the Work Session on February 26, 2018 be approved as submitted by Town Clerk Maurer.

Supervisor Maerten reported the total expenditures that were authorized and paid in the month of February:

General Fund	\$ 77,750.47
Highway Fund	\$ 81,027.48
Water	\$ 17,096.21
Sewer	\$ 66,359.34
Refuse	\$ 35,158.12
Fire Protection District	\$ 2,697.00

OTHER REPORTS

Councilman Leible stated that Modern Disposal will donate a handicapped wheelchair accessible port-a-john for 2018.

Councilman Fischer read the Highway report submitted from Superintendent Stowell. He reported that in the past month the Highway Department plowed snow, repaired plow damage, repaired pot holes, and shot grades for drainage in park. The Highway Department also staked all drop-inlets for surveyor on Fisk Road, installed culvert pipe for new house on Irish Road, cleaned a ditch on Killian Road, and repaired trucks and equipment as needed.

Councilman Ostrowski spoke about a meeting he attended at the Cornell Cooperative Extension (CCE) regarding the Agricultural & Farmland Protection Plan. The main purpose of the plan is to protect the farmland in Niagara County and to promote the agricultural industry. He stated that the CCE is a valuable resource in our county with respect to the farming industry. He also suggested that Town Clerk Maurer post the current plan on the Town website for residents to view. Councilman Ostrowski gave an update on the key fob system that is being installed at the Town Hall. He also explained that all of the Board and Committee members have now been assigned Town email addresses.

Councilman Graham reported that he has been talking with small businesses around town. Bobcat of Buffalo is expanding and moving their complex to the Pendleton side of Transit Road. He also mentioned that, as reported in the newspaper, there is potential for a possible sports complex coming to Pendleton.

Supervisor Maerten spoke briefly about the Office of the New York State Comptroller's audit of the Town. He, Budget Officer Bergman, Town Attorney Joerg, and Engineer Britton, met with the auditor for the exit interview. The report focused on sewer and water districts in the Town. After review it was determined that there was an error from 2006 where sewer district extensions were improperly filed with Albany. There was also some confusion with the water billing codes for property holders that use town water and residents that use water from a neighboring municipality. A response to the State Comptroller's office is in the process of being finalized and will be forwarded to the State. The reports will eventually be posted online at the Office of New York State Comptroller's website.

Attorney Joerg stated that he is still working with Central Niagara Baseball & Softball Association (CNBSA) on the contract. He received their comments this past Saturday and will finalize the agreement soon.

Engineer Britton gave an update on the Fisk Road project. They are currently advancing on the preliminary design as well as the environmental review. He also thanked the Highway Department for their assistance.

DEPARTMENT HEADS

Building Inspector Masters reported that the Building Department has been utilizing the new software that was installed. In February, they issued 19 new permits and have continued to follow up on approximately 100 active projects. They have renewed 122 Contractor Licenses. They were also able to catch up on the back log of applications. Eight violations were issued for various items and there are still 13 outstanding violations that they are working on.

Supervisor Maerten read the Water-Sewer Department report for February. The Sewer Department had 10 regular and five overtime sewer calls. Three pressure sewer breaks were repaired; one total grinder pump and three partial grinder pumps were updated. They replaced one sewer shutoff and completed 23 underground utility stakeout requests. The Water Department installed three new home water meters and completed nine final water reads. They also completed four sold home water/sewer compliance inspections. They replaced two Orion water readers, completed Stage 2 water sampling, and repaired a frozen valve in Starpoint's hotbox. A few of the workers helped the Highway Department with snow plowing as needed and four recycle totes were delivered.

Assessor Coughlin reported that she participated in a webinar for the 2020 Census. She also went out to review 107 building permits and spent time helping the seniors with their exemption forms. She sketched 48 blueprints on the computer in order to begin assigning values on the new builds in town.

Budget Officer Bergman reported that the financial accountants are here this week working on the Audit Update Document (AUD) for the fiscal year ending 2017.

NEW BUSINESS

RESOLUTION 65-18

AUTHORIZE STIPEND FOR BUILDING INSPECTOR'S CELL PHONE USE

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

Resolved to reimburse the Town Building Inspector \$28.00 per month, paid quarterly, to maintain his personal cell phone for Town business use on a 24/7 basis and remove the Building Inspector's business cell phone from the Town's bill. This is consistent practice with a previous Memorandum of Understanding (MOU) made with the Teamsters union (RESOLUTION 147 - 17).

RESOLUTION 66-18

AUTHORIZE \$2,000 GRANT TO PENDLETON COMMUNITY & BUSINESS ASSOCIATION

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

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

Resolved to authorize the annual funding request from the Pendleton Community & Business Association in the amount of \$2,000.00 for business promotion activities that will be matched by Niagara County through the William G. Mayne, Jr. Business/Community Enhancement Program.

RESOLUTION 67-18

PERMISSION FOR SUPERVISOR TO REQUEST THE PLANNING BOARD TO REVIEW LIGHT COMMERCIAL ZONING

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

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

Resolved to permit Supervisor Maerten to request that the Planning Board formally review the Light Commercial zoning in the Town of Pendleton.

A discussion took place regarding traffic safety concerns in the Town. This topic was previously discussed at the February 26th Work Session. Supervisor Maerten summarized the previous discussion and asked the Board for a motion to schedule four 4-hour focused patrol shifts to help alleviate speeding and traffic safety concerns. The cost of each shift is \$250.00. Councilman Leible questioned the necessity of the extra shifts and asked for specific numbers showing why they are necessary. He regularly sees sheriffs and State Troopers in town already. He stated that in the past the Town has asked the Niagara County Sheriff's Office (NCSO) to increase their regular patrols in the area without having to pay for special shifts. Supervisor Maerten said that the NCSO does have statistics that they can share. He mentioned that the times that the Town needs the extra help is the same time that the NCSO receives extra calls so it may be difficult for them to increase their regular patrols. Supervisor Maerten will ask for that data from the NCSO. Other questions were asked about who will be responsible for deciding which dates would be selected and assigning the locations to be patrolled. Supervisor Maerten said that the Board can work on this together at a future Work Session. He is asking to do this on a trial basis. Councilman Ostrowski recused himself from the vote due to his employment with the NCSO.

RESOLUTION 68-18

TRAFFIC SAFETY - SCHEDULE FOCUSED PATROL SHIFTS

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham
Nays 1 Leible
Recused 1 Ostrowski

Resolved to schedule up to four 4-hour shifts at \$250.00 per shift to be scheduled between now and July 15th in coordination with the Niagara County Sheriff's Office (NCSO).

RESOLUTION 69-18

CELEBRATION COMMITTEE - TOWN OF NIAGARA STAGE RENTAL

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

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

Resolved to authorize the Supervisor to sign a contract with the Town of Niagara to pay \$2,000.00 for the use of a stage for the Farm and Home Days celebration.

RESOLUTION 70-18

WATER RATE CHANGE - OTHER MUNICIPALITIES

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

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

Resolved to increase the cost of the sale of water to other municipalities from \$.75 per 1,000 gallons to \$.90 per 1,000 gallons.

RESOLUTION 71-18

EMPLOYEE HEALTH INSURANCE COMPENSATION

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

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

Resolved to continue to compensate non-union Town employees, who are eligible for insurance and choose not to enroll, \$1,000.00 per year to be paid at the end of the year.

PUBLIC REMARKS/COMMENTS

A question was asked regarding if the health insurance compensation payment is considered wages subject to taxation and if it needs to be scheduled according to the employee's pay schedule. It was clarified that it is a separate payment to be received at the end of the year. It will also be prorated if employment ends before the end of the year.

BOARD MEMBERS DISCUSSION

A work session was scheduled for March 26, 2018 at 7:00 P.M.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Regular Meeting at 7:45 P.M. Motion carried.

Deborah K. Maurer, Town Clerk