

TOWN OF PENDLETON
Work Session
February 26, 2018

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 February 2018. The meeting was scheduled for 7:00 P.M.

Supervisor Maerten opened the meeting at 7:04 P.M.

Supervisor Maerten, Councilman Leible, Councilman Fischer, Councilman Ostrowski, and Councilman Graham were present.

Also present:

Deborah Maurer – Town Clerk
Claude Joerg – Town Attorney
Tim Masters – Building Inspector
Kelli Coughlin – Assessor
Don Bergman – Budget Officer
Sara Siracuse – Conservation Board Chairwoman

There were approximately 10 residents in attendance, five of which were Boy Scouts.

Dr. Charles Pelitera appeared before the Board regarding the Wendelville Grove property. He gave a brief presentation regarding why he is interested in buying this property. He would like to use it as a fitness and training facility. His presentation included a summary of his credentials and experience, information about the staff that he employs, a detailed explanation of what he would like to do with the facility and the grounds, how the Wendelville Fire Company might benefit from it, and how his family would continue with the business after he retires. Supervisor Maerten stated that at this time the Town still intends to purchase the property if the Greenway Grant funding is approved.

RESOLUTION 55-18

APPROVAL OF MINUTES

Motion by Councilman Fischer, 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 January 22, 2018 and the Regular Meeting on February 12, 2018 be approved as submitted by the Town Clerk.

RESOLUTION 56-18

RAILS TO TRAILS PROJECT: EQUITABLE BUSINESS OPPORTUNITIES (EBO) SOFTWARE

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

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

WHEREAS NYS DOT requires that, on Locally Administered Federal Aid projects, the Equitable Business Opportunities (EBO) software be used to track data for the project,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Pendleton hereby designates Joel Maerten as the Responsible Local Official (RLO), and

BE IT FURTHER RESOLVED that Joel Maerten is hereby authorized and directed to execute the Request for EBO System Log-In/Password, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that Joel Maerten, as the Town's RLO for NYS DOT Locally Administered Federal Aid projects, hereby delegates himself as the Project Manager and as Primary Log-In Holder for the EBO software.

RESOLUTION 57-18

BUFFALO NIAGARA HERITAGE VILLAGE SUPPORT LETTER/MUSEUM EDUCATION ACT (MEA)

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

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

Resolved to authorize the signing of a letter of support for the Buffalo Niagara Heritage Village asking the New York State Senate to provide \$5 million in the SFY 2018-19 budget to establish a pilot competitive grant program to support museum education programs in cultural institutions across the state as part of S.1676-A, the Museum Education Act (MEA) that is sponsored by Senator Betty Little.

RESOLUTION 58-18

RENEW TOWN HALL LANDSCAPE MAINTENANCE CONTRACT

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 the landscape maintenance service for 2018 with Dore Landscape Associates, Inc. not to exceed \$2,980.00 for the season.

Ash Borer Complaint – Main Road Resident

A discussion occurred regarding Ash Borer issues in the Town. Town Clerk Maurer explained that a resident from Main Road has called the Town requesting help with dying Ash trees on her property. She had contacted the Highway Department a few times and was referred to the Town Clerk's Office to find out if the Town could help in any way. Other residents at the meeting were interested in this issue as well. A lengthy discussion took place with the Board and residents regarding the seriousness of this issue. Some research has been done to see if there is any funding available to help the residents with the treatment or removal of infected trees. Supervisor Maerten will do some additional research to see if there are any new grants available. Building Inspector Masters will also look into what responsibility the Town has if the tree is on the Town property.

CNBSA Agreement Update

Councilman Ostrowski spoke regarding the proposed agreement made between the Town and the Central Niagara Baseball and Softball Association (CNBSA). He gave a summary of updates that were made to the proposed agreement since the last meeting. CNBSA has agreed to purchase a groomer for the baseball fields which will create a better and safer field for the players. The contract will also stipulate that Town employees will use this groomer to maintain the fields but if the work cannot be completed within two hours prior to the start of the game that CNBSA will be allowed to use the groomer to prepare the fields. The non-resident fee and reimbursement of the rental cost to Pivot were also discussed. Other updates included ensuring that the dugout covers are installed and removed in a timely manner and that the use of the "Dug Out" will not be exclusive to CNBSA. Attorney Joerg stated that the agreement will have to be forwarded to CNBSA for review and approval. To be voted on at March's meeting once CNBSA returns the signed agreement.

RESOLUTION 59-18

DEPUTY TAX COLLECTOR

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

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

Resolved to appoint Noreen Lemma as Deputy Tax Collector.

Traffic Safety Concerns

Supervisor Maerten addressed the issue of traffic safety concerns. He regularly receives calls regarding speeding and reckless driving, especially on Beach Ridge Road and Bear Ridge Road. Pendleton has a "zone car" that is responsible for patrolling the Town. Supervisor Maerten recently met with Niagara County Legislator Anthony Nemi, Niagara County Sheriff James Voutour, and Niagara County Undersheriff Michael Filicetti to discuss these safety concerns. The Niagara County Sheriff's Office (NCSO) has offered to provide the Town with extra patrol time, at the Town's expense, in four-hour shifts. The cost would be approximately \$250.00 per shift for the cost of the labor. His recommendation is that the Town asks for eight of these shifts per year. Supervisor Maerten is not looking for any motion at this time but wanted the Board to think about this and address it at a future meeting. Several options were discussed between the Board members regarding when to schedule the extra shifts, what type of calls would be responded to specifically, how many shifts would be beneficial for the Town, etc.

Home Rule Request – Mapleton Road

Supervisor Maerten received a request from Senator Robert Ortt's office to file a Home Rule Request to give the Town the authority to set the speed limit on Mapleton Road as the Board deems necessary. Supervisor Maerten is not requesting to change the speed limit at this time. He is asking only to sign and submit the Home Rule Request so that the Town has the authority to make the change if we so desire.

RESOLUTION 60-18

FILE HOME RULE REQUEST FOR MAPLETON ROAD

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 fill out a Home Rule Request form and provide copies to Senate Home Rule Council.

Non-Sufficient Funds Fees

Supervisor Maerten explained that an amendment is needed for RESOLUTION 43-18 that was adopted at the Regular Meeting on February 12, 2018 regarding the Non-Sufficient Fund (NSF) fee increase. RESOLUTION 43-18 had increased the NSF fee to twenty-five dollars (\$25) which was not permissible per General Municipal Law § 85. The Town can only impose a fee of up to twenty dollars (\$20).

RESOLUTION 61-18

AMENDMENT TO TOWN CODE §10-1 SERVICE CHARGE; COLLECTION; FUTURE PAYMENTS

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

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

Resolved to amend **RESOLUTION 43-18** (Adopted 2/12/18) and **Town Code §10-1 – Service Charge; Collection; Future Payments** to allow the Town to increase the service charge from fifteen dollars (\$15) to a maximum of twenty dollars (\$20) on all checks which are rendered for the payment of municipal taxes or other charges that are subsequently returned by a bank for insufficient funds or other reasons.

RESOLUTION 62-18

COURT AUDITS

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

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

Resolved and acknowledge that the audits for the year of 2017, for the Honorable Judge Maziarz and the Honorable Judge Mack, have been conducted, the records have been found in good order and that audits are on file in the Town Clerk's Office.

Other Discussions

Supervisor Maerten reintroduced the notion of obtaining credit cards for the Town. He asked the other Board members to begin thinking about this policy to discuss at a future meeting.

Supervisor Maerten read a letter from Jacob Pytlik looking for suggestions for an Eagle Scout project.

Councilman Ostrowski asked for an update on Greenway Grant. Supervisor Maerten said that it is moving along. We have received a letter of support from Legislator Nemi as well as a commitment from Wendelville Fire Company. The grant writers are currently working on it.

There was also a discussion about parkland space on Tonawanda Creek Road, the potential of future kayak launching locations in the Town, the Washington Street parking concerns, and the Town's equalization rate and its impact on the taxpayers.

Motion by Councilman Leible, seconded by Councilman Fischer to adjourn at 8:35 P.M.
Motion carried.

Deborah K. Maurer, Town Clerk



TOWN OF PENDLETON
Deborah Maurer, Town Clerk

6570 Campbell Blvd. Lockport, NY 14094
716-625-8833 ext. 112 Fax: 716-625-6295
dmaurer@pendletonny.us

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK

SS:

COUNTY OF NIAGARA

I, the undersigned Clerk of the Town of Pendleton, Niagara County, New York,
DO HEREBY CERTIFY:

THAT I have compared the attached proceedings of the Town Board of said
Town, including the Resolution contained therein with the originals thereof on file in my
office and that the same are true and correct copies of said originals and of the whole
of said originals so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of
said Town this 7th day of March 2018.

Deborah K. Maurer
Town Clerk of Pendleton

RESOLUTION 56-18

RAILS TO TRAILS PROJECT: EQUITABLE BUSINESS OPPORTUNITIES (EBO) SOFTWARE

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

Nays 0

WHEREAS NYS DOT requires that, on Locally Administered Federal Aid projects, the Equitable
Business Opportunities (EBO) software be used to track data for the project,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Pendleton hereby
designates Joel Maerten as the Responsible Local Official (RLO), and

BE IT FURTHER RESOLVED that Joel Maerten is hereby authorized and directed to execute the
Request for EBO System Log-in/Password, a copy of which is attached and made part of this
resolution, and

BE IT FURTHER RESOLVED that Joel Maerten, as the Town's RLO for NYS DOT Locally Administered
Federal Aid projects, hereby delegates himself as the Project Manager and as Primary Log-In Holder
for the EBO software.

Adopted: February 26, 2018

REQUEST FOR EBO SYSTEM LOG-IN/PASSWORD

(Signature Certification for Municipalities)

APPLICANT INFORMATION

Municipality's Legal Name: Pendleton

Name and Title of Municipality's Primary Log-in Holder: Joel Maerten, Town Supervisor

E-mail Address: jmaerten@pendletonny.us

Mailing Address: 6570 Campbell Boulevard

Mailing Address:

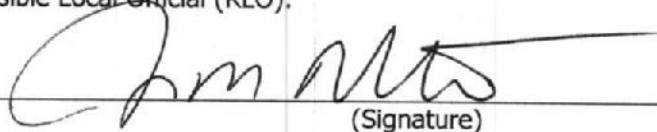
City: Pendleton State: NY Zip Code: 14094

On behalf of the above-listed municipality, I hereby agree to comply with the terms and conditions of access to and use of the Internet Government Solutions (IGS) Equitable Business Opportunities (EBO) system set forth in the System User Agreement attached to this application form.

Signature of Applicant (the Responsible Local Official (RLO)):

Joel Maerten

(Printed Name)



(Signature)

Town Supervisor

(Title)

A copy of the municipal resolution must accompany this request.

NYSDOT EQUITABLE BUSINESS OPPORTUNITIES (EBO) SYSTEM USER AGREEMENT

This System User Agreement forms an integral part of each application to the New York State Department of Transportation (NYSDOT) for obtaining log-in/password access to the Equitable Business Opportunities (EBO) System maintained and operated by NYSDOT. By signing and submitting such an application, you agree to be bound by the terms of this System User Agreement.

This System User Agreement governs the terms and conditions upon which your municipality, and your municipality's authorized users (referred to collectively as "User") will be allowed to access and use NYSDOT's EBO System.

NYSDOT authorizes the User, and the User agrees, to access and use the EBO System solely for official business purposes associated with the User's participation in construction, consultant engineering and professional services contracts awarded by NYSDOT or other Federal Aid sub-recipients. Such purposes include the administration of civil rights requirements associated with Federal Aid projects.

NYSDOT requires, and the User agrees, that in accessing and using the EBO System, the User will comply with NYSDOT's Information Security policies, procedures and directives, to the full extent required by NYSDOT's Information Security Officer, NYSDOT's Office of Information Services (OIS), and NYSDOT's EBO System Administrator. Such policies and requirements include the following:

- 1) The User's Primary Log-in ID Holder shall be personally responsible for usage of NYSDOT's EBO System by any and all of the User's other authorized users, including compliance with this System User Agreement and NYSDOT Information Security requirements, and shall exercise oversight over usage of the EBO System by such other authorized users.
- 2) The User will access and use the EBO System solely for the official business purposes indicated above. The User will not use access to the EBO System to access or use any other portion of NYSDOT's information technology (IT) Systems.
- 3) The User will maintain the confidentiality and security of the User's EBO System log-in ID and password, will provide such password only to authorized users within the User's business organization, and will not disclose such password to any persons other than authorized users who are officers or employees of the User.
- 4) The User's Primary Log-in Holder shall promptly deactivate the system access of any former employee, or other formerly authorized user, whom the User no longer authorizes to have access to the EBO System.
- 5) The User shall maintain the confidentiality and security of the Social Security Numbers (SSNs) of the User's employees, and any other confidential information obtained or submitted to NYSDOT in connection with use of the EBO System.