

**TOWN OF PENDLETON**  
September 10, 2018

A regular meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 10<sup>th</sup> day of September, 2018 at 7:00 p.m.

**REGULAR MEETING**

Supervisor Maerten called the meeting to order at 7:05 p.m.

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

A moment of silence was observed to remember the anniversary of the terrorist attacks of September 11, 2001.

Roll Call:

Supervisor Maerten	Present
Councilman Fischer	Present
Councilman Graham	Present
Councilman Leible	Absent
Councilman Ostrowski	Present

Also present:

Deborah Maurer – Town Clerk  
Claude Joerg – Town Attorney  
Tim Masters – Building Inspector  
Jeff Stowell – Highway Superintendent  
Jim Argo – Water/Sewer Superintendent  
Dave Britton - Town Engineer  
Don Bergman – Budget Officer

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

**ADDITIONS OR DELETIONS TO THE AGENDA**

The following item was deleted from the agenda:

- National Grid Street Light LED Conversion Program

The following items were added to the agenda:

- Litigation Related to National Fuel Gas (NFG) added to item #6 Executive Session
- Advertise for Part-Time Town Hall Position
- Pendleton Farm and Home Days 2019

**COMMUNICATIONS**

Town Clerk Maurer reported that Sylvester Pendleton Clarke, the great-grandson of the founder of our town, Sylvester Pendleton Clarke, will be visiting the Town Hall on Friday, September 14, 2018 at 9:00 a.m. Stephanie Chase, the Town Historian, has organized a small reception to welcome him and it is open to the public. He is eager to share stories and answer questions about his great-grandfather. The public is encouraged to attend.

Town Clerk Maurer also informed the Board that she received a call from Boy Scout Troop 98 saying that they have 12 boys working on their Eagle Projects. They are requesting that someone from the town come to one of their meetings to speak with the Scouts about upcoming projects in the town where they may be able to help.

**PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

There were no public remarks or comments.

## ROUTINE BUSINESS

### APPROVAL OF MINUTES

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski  
Nays 0  
Absent Leible

Resolved that the minutes of the Regular Meeting on August 13, 2018, be approved as submitted by the Town Clerk.

### RESOLUTION 167-18

#### AUTHORIZE PAYMENT OF ABSTRACT #16

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski  
Nays 0  
Absent Leible

Resolved to approve payment of Abstract #16, which was paid on August 30, 2018, for the following expenditures:

General Fund	\$ 132,003.36
Highway	\$ 9,178.11
Refuse & Garbage	\$ 0
Sewer	\$ 6,555.36
Water	\$ 4,748.55
Fire Protection	\$ 0
Trust & Agency	\$ 0

### RESOLUTION 168-18

#### AUTHORIZE PAYMENT OF ABSTRACT #17

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski  
Nays 0  
Absent Leible

Resolved to authorize the expenditures on Abstract #17, to be paid on September 14, 2018, for the following:

General Fund	\$ 7,974.13
Highway	\$ 15,205.26
Refuse & Garbage	\$ 0
Sewer	\$ 4,801.50
Water	\$ 3,360.12
Fire Protection	\$ 0
Trust & Agency	\$ 5,595.20

## OTHER REPORTS

**Supervisor Maerten** also reported that the tax collected for July 2018 was \$131,094.83. This is an increase of \$4,402.08 when compared with July 2017. The year to date received is \$929,472.99, which is an increase of \$29,928.29 from 2017.

**Supervisor Maerten** informed the residents that there will be two public hearings held regarding the Bear Ridge Solar Project. Two "Solar 101" workshop and open houses are scheduled in October. The first will be held at Niagara County Community College on Wednesday, October 3, 2018, from 4:00 – 7:00 p.m. and the second will be at Cambria Fire House on Thursday, October 4, 2018 from 4:00 – 7:00 p.m. Town Clerk Maurer has posted these dates on the Town's website and will continue to update the information as she receives it. Notice will also be posted in the local newspapers. The public is encouraged to attend. Supervisor Maerten also reported that the Town is moving on with the Teamsters negotiations for a contract extension. The labor legal consultant, that is helping us with

these negotiations, will also provide feedback regarding work rules as they apply to non-union employees. He reported that there are two Household Hazardous Waste events coming up in the area in September and October. Information on these events can be found on the Town's website and the Town Clerk's bulletin board. The 8<sup>th</sup> Annual Pendleton Community Faire and Business Expo will be held at the Pendleton Center United Methodist Church on Saturday, October 13, 2018, from 10:00 a.m. – 1:00 p.m. Supervisor Maerten stated that he is expecting to receive proposals from the Town's architect for the potential court expansion and the Historical Building/Senior space in the near future. He thanked the Pendleton Farm and Home Days for a great event this year. The weather cooperated for the most part and the fireworks were great. He has received good feedback about this celebration. He also stated that he has an Eagle Scout currently doing work at the Bear Ridge Cemetery. We will need more ideas for projects for the Eagle Scouts.

**Councilman Fischer** read the Highway Department's report for August. The Highway Department chipped brush, milled out and repaved the Ridgeview Heights subdivision, painted soccer fields, mowed and maintained the Town's parks, cemeteries, building and grounds and prepped the Town Park for the Pendleton Farm and Home Days celebration. They completed a pipe job on Irish Road, continued patching roads, checked and repaired street signs and picked up and stored the Summer Recreation Program's supplies. The Town of Pendleton shared various services with the towns of Lockport, Newfane, Porter, Niagara, Cambria, Wheatfield and Lewiston. Services were also shared with Niagara County. Councilman Fischer complimented the Highway Department on the paving at Ridgeview saying that it turned out very nice. He also thanked the Pendleton Farm and Home Days committee for a great job on this year's celebration.

**Councilman Ostrowski** commented on the Smart LED Program that National Grid is proposing. It appears to be very beneficial to the Town in terms of cost savings for the conversion. He also thanked the Pendleton Farm and Home Days for their hard work and said that they did a great job. He is happy with the New York State Canal Corp expansion of the bike trails. He has noticed that with the expansion and the improvements in the areas around the bike trail, that it is bringing good historic value to that part of the town. Councilman Ostrowski stated that he will talk with the Recreation Committee about potential Eagle Scout projects that can be done to make improvements to our parks. Lastly, Councilman Ostrowski made a comment about Aaron Chase, a Starpoint football player, and the entire football team who have done a phenomenal job already this season. Chase has broken two school records in the last two weeks. He is encouraging residents to go out to the game on Friday night to cheer on the team.

**Councilman Graham** also thanked the Pendleton Farm and Home Days for a great job and said he appreciated all of their hard work. He investigated a problem with the Town Hall outdoor lighting and with the help of the Water Department he was able to resolve the issue. He was contacted by a local Girl Scout troop regarding some projects they are looking into. He will be meeting with them again soon and will report back at a later date. He also stated that he met with the Wendelville Fire Company President, Glenn Christman, to discuss the soccer field usage. They will be meeting again next week to continue this discussion.

**Attorney Joerg** thanked the Pendleton Farm & Home Days and also complimented Chris King from Pivot Punch for being so cooperative and accommodating for this event.

**Engineer Britton** reported that he and Highway Supervisor Stowell met with the consultant for the Fisk Road Project. They reviewed designs and costs related to this project. They are getting closer to being in a position to present something back to the Board. He thinks they are making good progress.

**Budget Officer Bergman** stated that he is working on the budget. He mentioned that quite a few people have not turned in their budgets yet which will result in a "no change" budget for those departments/committees. The tentative budget will be ready for the first budget session which will be held on Monday, September 17, 2018.

## DEPARTMENT HEADS

**Building Inspector Masters** reported that in August the Building Department issued 48 building permits and 12 contractor licenses. They conducted 40 visual inspections for various projects and sent out 13 violations. He reported that there are still 30 violations outstanding. He stated that August was a busy month for the Building Department and projects are steadily flowing in. They are doing their best to keep up and try to balance the new projects with the ongoing enforcement issues around the town. Building Inspector Masters also reported that he and Assessor Coughlin attended an informational meeting, put on by the New York State Energy Research and Development Authority (NYSERDA), regarding the Cambria/Pendleton [Bear Ridge] Solar Project. He passed along information from this meeting to John Lavrich and the Planning Board.

**Water/Sewer Superintendent Argo** reported that the Sewer Department had 18 regular and two overtime sewer calls in August. They repaired one pressure sewer break, pushed and tapped two new home pressure sewers, completed two partial Myer grinder pump updates and performed inspections and maintenance on three large pump stations and 18 duplex grinder pump units. He stated that the Omni site in Pendale is up and running. Superintendent Argo also reported that the Water Department completed 13 final water readings and six sold home water/sewer compliance inspections, installed three new home water meters, completed two new home water taps and one far side water push. They inspected two open sewer and water trenches, completed 54 underground utility stakeout requests, weed wacked and painted fire hydrants.

**Highway Superintendent Stowell** thanked his crew for the work on the Ridgeview paving project. He stated that the cooperation from the residents was fantastic and the cooperation from the other towns was also great. Superintendent Stowell also mentioned that the communication between his staff and the Pendleton Farm and Home Days committee went very well this year.

## NEW BUSINESS

### National Grid Street Light LED Conversion Program

This item was deleted from the agenda. Supervisor Maerten explained that they are looking to see if the town can get all of the streetlights converted to LED eventually. Councilmen Leible and Ostrowski have been working on this. More research will be done before moving forward on this.

### RESOLUTION 169-18

#### **SPECIAL EXCEPTION PERMIT – AIKEN ROAD**

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

ADOPTED:   Ayes 4           Maerten, Fischer, Graham, Ostrowski  
              Nays 0  
              Absent         Leible

Resolved to grant a Special Exception Permit to 6459 Aiken Road to continue its use as a multiple-family dwelling pursuant to §247-11.K.

### RESOLUTION 170-18

#### **SOLAR PILOT**

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

ADOPTED:   Ayes 4           Maerten, Fischer, Graham, Ostrowski  
              Nays 0  
              Absent         Leible

Resolved to affirm and support the letter sent by the Town Supervisor on August 30, 2018 stating that a contract for payment in lieu of taxes (PILOT) shall be imposed upon both the developer and owner of any solar energy system, per NY Real Property Tax Law §487.

**RESOLUTION 171-18**

**SEASONAL EMPLOYEE – HIGHWAY DEPARTMENT**

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski  
Nays 0  
Absent Leible

Resolved to approve the hiring of Highway Department seasonal employee, Gerald Freatman, conditional upon his acceptance of the position.

Water/Sewer Superintendent Argo informed the Board that he has received three quotes from outside contractors to have 26 gravity sewer infiltration leaks repaired. The bids were solicited on August 21, 2018 and the results are as follows:

- R. I. C. Plumbing, Inc. \$850.00 each \$22,100.00 total
- S. M. Pynn & Sons, Inc. \$950.00 each \$24,700.00 total
- Mulla Plumbing Co. \$925.00 each \$24,050.00 total

**RESOLUTION 172-18**

**SANITARY SEWER INFILTRATION AND INFLOW APPROVAL REQUEST**

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski  
Nays 0  
Absent Leible

Resolved to accept the low bid of \$21,100.00 from R. I. C. Plumbing, Inc. to perform 26 gravity sewer infiltration leak repairs.

**RESOLUTION 173-18**

**PART-TIME TOWN HALL POSITION**

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski  
Nays 0  
Absent Leible

Resolved to advertise for a part-time position at Town Hall.

**RESOLUTION 174-18**

**2019 PENDLETON FARM AND HOME DAYS**

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski  
Nays 0  
Absent Leible

Resolved to give permission to continue the Pendleton Farm and Home Days celebration on August 16 and 17, 2019 in the Pendleton Town Park.

**BOARD MEMBERS DISCUSSION**

**Supervisor Maerten** announced the following schedule of upcoming meetings:

- September 17, 2018 7:00 p.m. Budget Session
- September 24, 2018 7:00 p.m. Work Session then Budget Session
- October 1, 2018 7:00 p.m. Budget Session
- October 8, 2018 7:00 p.m. Regular Meeting then Budget Session
- October 15, 2018 7:00 p.m. Budget Session
- October 22, 2018 7:00 p.m. Work Session then Budget Session
- October 29, 2018 7:00 p.m. Budget Session

## **PUBLIC REMARKS/COMMENTS**

Resident Jim Sobczyk, from the Pendleton Community and Business Association, spoke about the 8<sup>th</sup> Annual Pendleton Community Faire and Business Expo that will be held on Saturday, October 13, 2018, at the Pendleton Center United Methodist Church. They are in need of vendors. If anyone is interested, please contact Debbie Maurer directly using the contact information included on the flyer. He also informed the Pendleton Farm and Home Days committee members that were in attendance that 2019 is the 50<sup>th</sup> anniversary of the dedication of the Town Hall and the burying of the time capsule. He suggested that a celebration and burying of a new time capsule could be done in conjunction with the Pendleton Farm and Home Days celebration. He also suggested that the Boy Scouts or Girl Scouts looking for projects might want to consider cleaning up the Clarke cemetery and that a resident on Irish Road wants to donate a black, wrought-iron fence to the Town that could maybe be used to spruce up the cemeteries.

Motion by Councilman Fischer, seconded by Councilman Ostrowski, to adjourn from the Regular Meeting and enter into an Executive Session to discuss union negotiations and litigation specifically related to the Town's ongoing work related to National Fuel's Northern Access Project, inviting Town Attorney Joerg, at 8:55 p.m. Motion carried.

Motion by Councilman Fischer seconded by Councilman Ostrowski, to adjourn from the Executive Session and the Regular Meeting at 8:20 p.m.

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Deborah K. Maurer, Town Clerk