

TOWN OF PENDLETON

October 8, 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 8th day of October 2018 at 7:00 p.m.

PUBLIC HEARING

Supervisor Maerten opened the Public Hearings at 6:55 p.m.

The notices for the Public Hearings were published in the Lockport Union Sun & Journal on September 26, 2018 and on the Town's website.

PUBLIC HEARING #1 – PROPOSED AMENDMENTS TO TOWN CODE §247-23 ACCESS TO PUBLIC STREET AND TOWN CODE §247-24 CONTIGUOUS PARCELS

The purpose of the hearing is to receive public input for the proposed amendments to Town Code §247-23 Access to Public Street and Town Code §247-24 Contiguous Parcels. Supervisor Maerten read the current codes and read the proposed amended Town Code §247-23 and stated that Town Code §247-24 would be deleted in its entirety.

Wolfgang Buechler, Chairman of the Zoning Board of Appeals had concerns regarding how this change might affect a previous case that had been brought before the Board of Appeals. Supervisor Maerten stated that he believed this current amendment would only affect commercial property. Building Inspector Masters was not in attendance to answer specific questions. Mr. Buechler presented Supervisor Maerten with additional items to consider regarding this matter. After a brief discussion Supervisor Maerten recommended postponing the vote until further notice.

There were no other public questions or comments.

Motion made by Councilman Leible, seconded by Councilman Fischer, to close the Public Hearing #1 at 7:01 p.m. Motion carried.

PUBLIC HEARING #2 – ESTABLISHMENT OF SEWER IMPROVEMENT AREA FOR HERITAGE LANDINGS

Supervisor Maerten read the details of the public hearing. The purpose of this public hearing is to receive public input for the establishment of Sewer Improvement Area for Heritage Landings. Engineer Dave Britton gave a brief summary of why the establishment of this sewer improvement area is necessary. The Town Board created a sanitary sewer district for this area in 2014. Since then the applicant returned and amended their final plot changing lot configurations and boundaries. Earlier this year the Town Board dissolved the sanitary sewer district. The current proposal is to create a sewer improvement area for Heritage Landings to coincide with the rest of the town's sewer improvement areas.

There was one question asked from the public that Engineer Britton was able to address. There were no other public questions or comments.

Motion made by Councilman Leible, seconded by Councilman Fischer, to close the Public Hearing #2 at 7:04 p.m. Motion carried.

PUBLIC HEARING #3 – AMENDMENTS TO STORMWATER DISTRICT #4

Supervisor Maerten read the details of the public hearing. The purpose of this public hearing is to receive public input for the proposed amendments to Stormwater District #4 for Heritage Landings. Engineer Britton explained that this proposal is to amend the Stormwater district's previous approval to match up with the subdivisions new boundaries. Engineer Britton answered all questions asked during this public hearing.

Motion made by Councilman Leible, seconded by Councilman Ostrowski, to close the Public Hearing #3 at 7:08 p.m. Motion carried.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:10 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:

Deborah Maurer – Town Clerk
Claude Joerg – Town Attorney
Jeff Stowell – Highway Superintendent
Kelli Coughlin – Assessor
Dave Britton - Town Engineer
Don Bergman – Budget Officer

There were 14 residents in attendance, three of which were Starpoint students.

ADDITIONS OR DELETIONS TO THE AGENDA

The following item was added to the agenda:

- Executive Session

COMMUNICATIONS

Town Clerk Maurer reported that the 2019 Tentative Budget was filed in the Town Clerk's office on September 17, 2018. Copies of the 2019 Tentative Budget were also delivered to each of the Town Board members at the first Budget Session on September 17, 2018.

Town Clerk Maurer mentioned that there was an article in the Lewiston-Porter Sentinel reporting that the Town of Lewiston is looking into putting in a park like Mason's Mission. She also reminded the Board and audience about the Pendleton Community Faire and Expo that is scheduled for Saturday, October 13, 2018 at the Pendleton Center United Methodist Church.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident commented on a letter that he had presented to the Town Board on September 24, 2018 and asked for a response to that letter.

There were no other public remarks or comments.

ROUTINE BUSINESS

Town Clerk Maurer reported that the authorization for Abstract #19 was delayed due to the holiday. It will be presented to the Board for authorization at the October 22, 2018 Work Session.

OTHER REPORTS

Supervisor Maerten also reported that the tax collected for August 2018 was \$125,191.11. This is an increase of \$8,706.61 when compared with August 2017. The year to date received is \$1,054,664.10, which is an increase of \$38,634.90 from 2017.

Councilman Leible reported that the offices for both judges were painted recently. He has scheduled an appointment to inspect and clean the furnace. He is also researching prices for a new vehicle for the Building Department.

Councilman Fischer read the Highway Department's report for September. He reported that the Highway Department mowed ditches, chipped brush, hauled two pieces of equipment for auction and flushed six plugged culvert pipes with the Sewer Jet. They also checked and repaired road signs, worked on the Veterans' monument, removed fill at the playground making room for new equipment, mowed lawns on Town property and repaired trucks and equipment as needed. The Highway Department shared services in September with the towns of Wheatfield, Cambria and Wilson. Councilman Fischer also told the group about his recent trip with the Boy Scouts to Washington, D.C.

Councilman Leible asked the Town Board for approval to conduct an audit and inventory of the Water/Sewer Department.

RESOLUTION 177-18

WATER/SEWER DEPARTMENT AUDIT AND INVENTORY

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 an audit and inventory of the Water/Sewer Department.

Councilman Ostrowski reported on the recent visit of Sylvester Pendleton Clarke, the great-grandson of the town's founder, Sylvester Pendleton Clarke. A reception was held and attended by many residents. Councilman Ostrowski presented a proclamation to Mr. Clarke. Town Clerk Maurer added that Mr. Clarke stated that he had a wonderful time visiting the Town Hall, Fricano Elementary School, the Historical Society, the Clarke cemetery, Uncle G's Ice Cream and the Ship 'N Shore Restaurant, which his great-grandfather was the first inn keeper of. Mr. Clarke mentioned that he would like to come back for the Town's centennial. Councilman Ostrowski thanked all who attended.

Councilman Graham read the Building Department's monthly report for September for Building Inspector Masters, who was absent. The Building Department issued 21 building permits and five contractor's licenses. Twenty on site visual inspections were completed and several violations were issued. There are 30 outstanding violations remaining to date with several residents required to appear in court for various infractions. Councilman Graham also read the Water/Sewer Department Report as Superintendent Argo was also absent. In September, the Sewer Department completed 14 regular time sewer calls, repaired six pressure sewer breaks, completed two new home sewer taps and updated one total grinder pump. They also installed a new Omni-Site Dialoguer for the Pendale Pump Station and cleaned out four Niagara County Sewer District pump stations. The Water Department conducted nine final water reads, completed seven sold home water/sewer compliance inspections, installed two new home water meters and tapped water services for three new homes. Additionally, the Water Department inspected two open sewer and water trenches and completed 39 underground utility stakeout requests. Councilman Graham congratulated Building Inspector Masters on the birth of his new son. He also wanted to recognize Pets Alive on Campbell Boulevard. He recently adopted a dog from this rescue and said that they are doing a great job.

Attorney Joerg stated that he has been working on the Article 7 tax assessment review proceedings. The four big properties in town all have challenges. These properties include the hotel on Transit Road [Hampton Inn], the property on Donner Road [previously Mac's Antique Auto Parts], KeyBank on Transit Road and Tan-Tara Golf Course. He has been involved in pre-trials with the courts and attorneys which has been very time consuming but is trying to get these matters resolved in good manner for the town.

Engineer Britton gave updates on the Fisk Road project and the portable generator project.

Budget Officer Bergman reported that he has been working on the tentative budget. He stated that he and the Board have had meetings already. They will be continuing with the budget sessions that have been scheduled.

DEPARTMENT HEADS

Highway Superintendent Stowell spoke about the drainage issue at the church on Campbell Boulevard and Bear Ridge Road. He has been working on this with Engineer Britton. A lengthy discussion took place between Superintendent Stowell, Supervisor Maerten and Attorney Joerg regarding this subject. Superintendent Stowell also informed the Board that they have received \$6,000.00 for a chipper and \$1,800.00 for a pick-up truck with a blown engine from the live auction.

Assessor Coughlin reported that she had just attended the annual Assessor's conference where she took some classes pertaining to exemption programs and market influence. She also attended a lecture on solar farms, has been getting things ready for the tax levy and is trying to keep up with final inspections with Building Inspector Masters.

NEW BUSINESS

RESOLUTION 178-18

BAS SOFTWARE – INTEGRATED FINANCIAL SYSTEM (LEDGER/ACCOUNTS PAYABLE)

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

Nays 0

Resolved to authorize the upgrade and purchase of the BAS Integrated Financial System software at a total first year cost of \$19,900.00.

RESOLUTION 179-18

PENDLETON BUSINESS ASSOCIATION REQUEST

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 a check in the amount of \$500.00, payable to the Pendleton Business Association, to cover overhead costs for the annual Pendleton Community Faire and Business Expo.

Road Patrols

Supervisor Maerten began a discussion about the road patrols that have taken place in Pendleton over the past several months. The Niagara County Sheriff's Office reported that they have issued six to seven tickets per four hour shift during these patrols. He is asking the Town Board if they would like to continue to authorize these road patrols until the end of this year. It was decided that he will research whether the cost of the extra patrols is earning enough revenue to pay for the cost of services before scheduling the additional patrols.

RESOLUTION 180-18

NYS CANAL CORPORATION REQUEST

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

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

Nays 0

Resolved to authorize Supervisor Maerten to submit a letter of interest to the NYS Canal Corporation for a historical canal boat.

RESOLUTION 181-18

APPROVAL OF TOTAL & PERMANENT DISABILITY FROM TOWN OF PENDLETON SERVICE AWARD PROGRAM

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

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

Nays 0

Resolved to allow Penflex, Inc. to approve the total and permanent disability of a specific Wendelville Fire Company Service Award Member.

RESOLUTION 182-18

AUTHORIZE THE ASSESSOR TO LEVI UNPAID TOWN CHARGES TO THE 2019 TOWN TAXES

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

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

Resolved to authorize the Town Assessor to place all unpaid Town charges as liens upon real property in accordance with Town Law §198 (3)(d) to forward authorization and actual listing of all unpaid accounts that are provided by the Water/Sewer Billing Department, refuse bills and other Town charges to the Assessor's Office for posting.

RESOLUTION 183-18

SCHEDULE PUBLIC HEARING FOR THE 2019 BUDGET

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

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

Resolved to schedule a Public Hearing for the presentation to the public of the Preliminary Budget for 2019 on November 5, 2018 at 6:00 p.m.

Note: The regularly scheduled Town Board meeting will be held after the Public Hearing on November 5, 2018. There will not be a Town Board meeting on November 12, 2018. The November Work Session will be held on November 26, 2018.

A motion was made by Councilman Leible, seconded by Councilman Fischer, to postpone the decision on Public Hearing #1 – Proposed Amendments to Town Code §247-23 Access to Public Street and Town Code §247-24 Contiguous Parcels.

RESOLUTION 184-18

AMENDMENTS TO STORMWATER DISTRICT #4

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

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

Resolved to accept the proposed amendments to Stormwater District #4.

RESOLUTION 185-18

ESTABLISHMENT OF SEWER IMPROVEMENT AREA FOR HERITAGE LANDINGS

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

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

Resolved to create a sewer improvement area for Heritage Landings.

BOARD MEMBERS DISCUSSION

PUBLIC REMARKS/COMMENTS

A resident asked questions about the cost of maintaining the new BAS accounting software and provided some advice about switching systems.

Another resident remarked about the information she read about in the recent newsletter regarding \$120,000.00 in grant money for the park. Supervisor Maerten explained that this amount was actually for two different grants that the Town received for work in the playground.

Conservation Board Chairwoman Sara Siracuse asked the Board about an expected timeframe for an update to the questions that the Conservation Board presented at the last Work Session. Supervisor Maerten offered to provide an update by the end of the month. Chairwoman Siracuse accepted that offer. Supervisor Maerten recommended that the Board members continue to do research on this subject.

A resident asked if the bridge between Fisk Road and East Canal Road will be closed during construction. Supervisor Maerten stated that it would not be closed. The same resident also stated that she thought that the road patrols were great and had a few questions, about the locations, which Supervisor Maerten answered.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Regular Meeting and enter into an Executive Session for personnel reasons with Attorney Joerg, at 8:09 p.m. Motion carried.

Motion by Councilman Leible seconded by Councilman Graham, to adjourn from the Executive Session and the Regular Meeting at 8:50 p.m.

A Budget Session immediately followed the Regular Meeting.

Deborah K. Maurer, Town Clerk