

TOWN OF PENDLETON

November 5, 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 5th day of November 2018 at 6:00 p.m. A Public Hearing was scheduled for 6:00 p.m. for the proposed 2019 Preliminary Budget. The notice of the Public Hearing was published in the Lockport Union Sun & Journal on October 29, 2018.

PUBLIC HEARING

Supervisor Maerten opened the Public Hearing at 6:06 p.m.

Budget Director Don Bergman began by giving a summary of the proposed changes including but not limited to the following items:

- Personal Services increases reflect either a 2.7% increase for most employees or a 5.4% increase for some newer employees
- Considering purchasing a scanner for approximately \$8,000.00 that would be spread across six different fixed asset lines
- Court improvements in the amount of \$40,000 to be utilized if we get the grant
- Town Clerk Personal Services wage distribution is being adjusted from 20% Town Clerk/80% Town Hall to 80% Town Clerk/20% Town Hall
- Central Garage will be having windows, doors and heating improvements
- Professional Fees shows an increase due to a software upgrade
- Traffic Control is a new line for Sheriff's patrol
- Safety Inspector will be affected because of the hiring of a new Building Inspector
- Parks Fixed Assets will show a difference this year because of the grant for the trails
- Playground will show changes because of grants that we will be receiving
- Celebrations line will include both the Fourth of July event and the Farm and Home Days
- Drainage is affected because of the ditch at Tan-Tara
- General Revenue shows a turnaround because of an increase in sales tax

Budget Director Bergman reviewed the Preliminary Budget line by line allowing for any questions or comments after each section of the Budget. He explained each of the increases or decreases.

- General Fund Appropriations
 - A resident wanted to know how much of the \$18,000.00 increase for **Celebrations Contractual Expense** is for the Pendleton Farm and Home Days and how much is for the Fourth of July. Supervisor Maerten said that the \$18,000.00 is for both the events. \$17,000.00 for fireworks and \$1,000.00 for other items such as the stage, portable toilets, etc.
- General Fund Estimated Revenues
 - A resident asked if there is any money left in the Green Fees fund. Supervisor Maerten confirmed that there is approximately \$100,000.00 left.
- Highway Appropriations – Town Wide
- Highway Estimated Revenues
 - Town Attorney Joerg asked a question of Budget Officer Bergman to explain why **Retirement** increased by \$900.00 when **Personal Service** decreased by \$40,750.00. Budget Officer Bergman explained that it had to do with how the retiring Water/Sewer Department Superintendent's salary has been split in the past.
- Water Maintenance Fund
- Water District Estimated Revenues
- Pendleton Total Sewer Improvement
- Pendleton Total Sewer Estimated Revenues
- Refuse and Garbage District Appropriations
- Refuse and Garbage District Revenues
- Wendelville-Pendleton Fire Protection District Appropriations
 - Councilman Ostrowski wanted to know what percent increase was given to the **Contractual Expense** line. Budget Officer Bergman explained that it was a 2.7% increase.

- Wendelville-Pendleton Fire Protection District Revenues
- Summary
- Tax Levy
- Tax Cap

Budget Officer Bergman concluded his section of the Public Hearing.

There were no additional questions.

Supervisor Maerten thanked Budget Officer Bergman for all of his hard work. He also gave a brief summary of some of the items that had an impact on the 2019 Budget.

The Public Hearing was closed at 7:24 P.M.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:40 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 16 residents in attendance, six of which were Starpoint students.

ADDITIONS OR DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Moved item #1 – Budget to item #15
- Added item #13 – Building Inspector Services
- Added item #14 – Niagara County IT Contract
- Added item #16 – Executive Session – Teamsters' Contract Negotiations

COMMUNICATIONS

Town Clerk Maurer reported that the Water/Sewer Monthly Report for October was submitted by Rita Dispenza. The total monies received and deposited for October 2018 was \$68,453.71.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

There were no public remarks or comments.

ROUTINE BUSINESS

RESOLUTION 195-18

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 Regular Meeting held October 8, 2018 and the Work Session held on October 22, 2018, be approved as submitted by the Town Clerk.

RESOLUTION 196-18

AUTHORIZE PAYMENT OF ABSTRACT #20

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

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

Resolved to approve payment of Abstract #19, which was paid on October 30, 2018, for the following expenditures:

General Fund	\$ 47,344.99
Highway	\$ 31,897.06
Refuse & Garbage District	\$ 35,158.12
Sewer	\$ 2,926.07
Water District	\$ 4,193.41
Trust & Agency	\$ 5,817.00
Total	\$ 127,336.65

Note that the United Rentals Invoice 160272992-001, in the amount of \$2,618.60, was removed from Abstract #19 and is not included in the approved total above.

OTHER REPORTS

Supervisor Maerten reported that the tax collected for September 2018 was \$184,891.87. This is an increase of \$27,651.78 when compared with September 2017. The year to date received is \$1,239,555.97 which is an increase of \$66,286.68 from 2017.

Supervisor Maerten also reported that he is continuing work on the borrowing of money for the Fisk Road project. He has a meeting scheduled with Evans Bank regarding this. He also stated that interviews have been scheduled to fill the vacant Building Inspector position. The interviews will be held on Thursday, November 8, 2018. This will be an open meeting and is open to all.

Councilman Leible reminded everyone that the newsletter articles are coming due. He asked that the newsletters be sent to him by November 20th.

Councilman Fischer read the Highway Department's report for the month of October. The Highway Department reported that they mowed ditches, chipped brush, planted Evergreen trees and put pipe in on Irish Road. They also flushed plugged culver pipes on Irish Road, worked on playground equipment and the Veterans' monument installation. Additionally, they repaired the shoulder on Donner Road, mowed the lawns in the parks, playgrounds and athletic fields, and repaired trucks and equipment as needed. The Highway Department also reported that they cleaned the ditch on Townline Road, replaced four driveways on Irish Road, cleaned up the town yard and installed a salter on Truck #3. Shared services for the month included blacktopping for the Town of Wheatfield and Niagara County as well as using the Town of Cambria's chipper for two weeks. Councilman Fischer stated that the Boy Scouts will be conducting a food drive on November 10th. He also thanked Budget Officer Bergman and the Town Board for the time and effort spent on completing the budget process.

Councilman Ostrowski wanted to publicly thank the previous Building Inspector Tim Masters for his time and work over the past year. He reiterated the fact that they are scheduling interviews and will do their best to find the best candidate for the town to bring

good services to the residents. Councilman Ostrowski also gave an update on the Recreation Committee. The committee is looking into running a town sponsored soccer program. They are also considering a potential increase in the costs associated with the Summer Recreation program. He will provide more information about that in the future. Lastly, the Recreation Committee is anxious to move forward with the installation of a small pavilion in Depeau Park.

Councilman Graham reported that he did not receive a monthly report for the Water/Sewer Department before the meeting so he could not provide this information. He also reminded everyone to get out and vote tomorrow on Election Day.

Attorney Joerg had nothing to report.

Engineer Britton reported that the Fisk Road project is advancing. He should have the engineer's report submitted within a week. The report will go to the DOT and once approved it will include the design aspects of the project. The goal is to go out to bid and advertise in February or March of 2019. He is hoping for a May 2019 construction. He also provided an updated on the generator project stating that one of the generators is expected to be delivered the next day. The second generator should be delivered in early January. **Supervisor Maerten** thanked Engineer Britton for providing the Board with the estimate for the streetlight requested for the end of Pine Lake Terrace. He added that it should be voted on at the next meeting.

Budget Officer Bergman delivered the numbers to the Board for the budget vote. He also thanked everyone for participating in the budget process.

DEPARTMENT HEADS

Water/Sewer Superintendent Argo was not in attendance.

Highway Superintendent Stowell reported that the Highway Department is in the process of transitioning from summer to winter. They are putting in the stakes in the subdivisions.

Assessor Coughlin reported that all of the exemption renewal forms were sent out with the exception of the Agricultural and Disability exemptions. She would also like to spread the word about the State law that was passed this year regarding the Enhanced STAR program. Anyone 65 years of age or older who is eligible for the Enhanced STAR must be in the Income Verification Program (IVP). This is a State program and it is what informs the Assessor who is qualified for the Enhanced STAR exemption. This does not affect the Aged exemption. Assessor Coughlin will continue to process those in her office. She also spoke with Mr. Thompson of the Pendleton Veterans' Association about the Tree Lighting ceremony. They weren't sure if the electrical post near the tree will pass an inspection and she is asking that someone look into that for her before the event. She also reported that the Pendleton Lions Club will also be joining in on the festivities by doing a food drive and collecting hats and mittens. The Tree Lighting ceremony will be held on December 8, 2018 from 4:00 p.m. – 6:00 p.m.

Supervisor Maerten added that the Veterans' Day ceremony will be held on Monday, November 12th at 11:00 a.m.

NEW BUSINESS

RESOLUTION 197-18

APPOINTMENT OF PART-TIME TOWN HALL POSITION

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 Kimberly Frey as part-time employee in the Town Hall effective November 13, 2018.

RESOLUTION 198-18

STANDARD WORKDAY AND REPORTING RESOLUTION

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 Town Board of the Town of Pendleton hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employee's Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk:

Title	Standard Work Day	Name	SS # (last 4 digits)	Registration #	Hours Per Day	Term (dates)	Record of Activity Result
ELECTED							
Councilman	8	Justin M. Graham	X	X	8	01/01/18-12/31/19	4.21
Town Clerk	8	Deborah K. Maurer	X	X	8	01/01/18-12/31/19	22.67
Highway Superintendent	8	Jeffrey R Stowell	X	X	8	01/01/18-12/31/19	22.59
APPOINTED							
Building Inspector	8	Timothy J. Masters	X	X	8	01/01/18-12/31/19	22.08

Supervisor Maerten introduced the new Town Hall Employee Time and Attendance Documentation and Approval Procedures. He stated that it was created in consultation with the Town's labor attorney as a supplement to the Town Employee Manual. The manual is in the process of being updated. This document is specific to Town Hall employees. A separate document is being created for the Department of Public Works employees and will be presented at a later time.

RESOLUTION 199-18

TOWN HALL EMPLOYEE TIME AND ATTENDANCE

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

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

Resolved to accept the Town Hall Employee Time and Attendance Documentation and Approval Procedures.

RESOLUTION 200-18

PAVILION RENTAL FEES

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

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

Resolved to put in place a \$25.00 pavilion rental fee and continue to maintain the town resident only requirement.

RESOLUTION 201-18

TRUGREEN RENEWAL

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 with the service contract with TruGreen in the amount of \$755.88 for the Town Hall.

The next item on the agenda is regarding a commitment of funds for in-kind services related to the State and Municipal Facilities Program (SAM). **Supervisor Maerten** explained that is for the grant funding for work in the park which requires a commitment of \$20,000.00 in in-kind expenditures for materials, supplies, etc. and \$5,000.00 of site work. He anticipated

that the Town would have to put some money up for foundation work for the handicap accessible bathroom. As of now though it looks like the concrete work is being lined up as a donation. Nonetheless a resolution is still needed for this grant application.

RESOLUTION 202-18

COMMITMENT OF FUNDS FOR IN-KIND SERVICES (SAM PROJECT)

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

Resolved to commit up to \$20,000.00 in supplies and materials and \$5,000.00 in site work for the State and Municipal Facilities Program – Construction of ADA Accessible Bathroom Facilities in the Town Park (Project ID: #15374).

RESOLUTION 203-18

SCHEDULE PUBLIC HEARING FOR PROPOSED MODIFICATIONS OF TOWN CODE §247-68.12

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 on December 10, 2018 at 6:50 p.m. for modification to Part II – General Legislation, Article VIIIC: Solar Energy Systems, §247-68.12 Large-scale solar energy systems design criteria.

RESOLUTION 204-18

SCHEDULE PUBLIC HEARING FOR PROPOSED MODIFICATIONS TO CHAPTER 13 OF TOWN CODE

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 on December 10, 2018 at 6:55 p.m. for modifications to Part I –Administrative Legislation, Chapter 13: Conservation Board of the Town Code.

RESOLUTION 205-18

PART-TIME LABORER POSITIONS – HIGHWAY DEPARTMENT

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 Highway Superintendent to advertise for two part-time Laborer positions placing a priority hiring on those applicants already in possession of a commercial driver's license.

New Firefighter Insurance Mandate

Supervisor Maerten informed the Board that the 2018 New York State Firefighter Cancer Benefit Program mandate was passed the State. He has contacted the Wendelville Fire Company's President and Chief requesting the names of the members that we are required to insure. He already has pricing from multiple insurance agents for this insurance. There are specific requirements that must be met to be eligible for this insurance. This will be put on the agenda for the December meeting.

RESOLUTION 206-18

BAS TRAINING AND LICENSING - BUILDING DEPARTMENT SOFTWARE

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 approximately \$2,600.00 for the installation of an additional system license, travel expenses and training of the Business Automation Services, Inc. (BAS) Integrated Property System (IPS) software.

Supervisor Maerten informed the Town Board that he and Councilman Leible have met with the Town of Cambria's part-time Building Inspector, James McCann, who will be assisting our Building Department temporarily. He is a retired Building Inspector from the City of Lockport and has extensive experience using the BAS software.

RESOLUTION 207-18

ACQUISITION OF TOWN HALL HARDWARE - COUNCILMEN

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

Resolved to approve the acquisition of four laptops, at the State Bid price of \$475.00 each, to be used by the councilmen.

RESOLUTION 208-18

ACQUISITION OF TOWN HALL HARDWARE - BUILDING DEPARTMENT

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

Resolved to approve the acquisition of a desktop computer, State Bid purchase price not to exceed \$600.00, to be used by the part-time clerk in the Building Department.

RESOLUTION 209-18

BUILDING DEPARTMENT CONTRACTOR SERVICES

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 Mr. James McCann to work for the Town as a contractor at the rate of \$30.00 per hour in the Building Department on an as needed basis.

Supervisor Maerten explained that we are going to be switching the town's Information Technology (IT) consulting services to the Niagara County IT Department. They will assist us with a new server update, BAS software installation, installing filtering software and other security precautions. They will also assist us with implementing an "acceptable use policy" for Town employees. Being that the Niagara County IT Department is already experienced in serving a large county they are much more in tune with a municipality's needs especially when it comes to security. The Town Board has reviewed the contract.

RESOLUTION 210-18

NIAGARA COUNTY IT SHARED SERVICES 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 accept the shared services contract with the Niagara County IT Department effective immediately.

Supervisor Maerten explained that due to the upcoming retirement of Water/Sewer Superintendent Argo they are eliminating that position and expanding supervision of the Water/Sewer Department to the Highway Superintendent. The Deputy Highway Superintendent will also be the Deputy Water/Sewer Superintendent once negotiations with the Teamsters are completed. Amendments have been made to the 2019 Preliminary Budget due to these changes.

RESOLUTION 211-18

ACCEPT AMENDMENTS TO THE 2019 BUDGET

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

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

Resolved to accept the following revisions to the 2019 Preliminary Budget:

- Increase Budget Line A8540.0110 (General Fund Personal Service Storm Water) from \$2,000.00 to \$2,500.00
- Increase Budget Line A9030.0800 (Social Security/Medicare) from \$49,200.00 to \$49,240.00
- Increase Budget Line SW.8310.0110 (Supervision) from \$5,000.00 to \$10,000.00
- Increase Budget Line SW.9030.0800 (Social Security/Medicare) from \$7,900.00 to \$8,300.00
- Increase Budget Line SS.8110.0110 (Personal Service) from \$5,000.00 to \$10,000.00
- Increase Budget Line SS.9030.0800 (Social Security/Medicare) from \$9,160.00 to \$9,560.00

RESOLUTION 212-18

APPROVAL OF 2019 PRELIMINARY BUDGET WITH AMENDMENTS

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

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

Resolved to approve the 2019 Preliminary Budget as proposed with amendments (Resolution 211-18).

Executive Session

The Executive Session included on the agenda was cancelled.

PUBLIC REMARKS/COMMENTS

Sara Siracuse thanked the Board for addressing the concerns of the Conservation Board.

Another resident had a complaint about National Fuel's Gas Line that is under the canal near Bear Ridge and Tonawanda Creek Roads. He has lived in the area for 16 years but recently it is constantly running and sounds like a semi-truck running outside of his house. It is affecting his family's quality of life. Supervisor Maerten said he would attempt to contact National Fuel if the resident provides him with more detailed information after the meeting.

BOARD MEMBERS DISCUSSION

The next Work Session will be held on Monday, November 26, 2018 at 7:00 p.m. The next Regular Meeting is scheduled for Monday, December 10, 2018 at 7:00 p.m.

Motion by Councilman Leible seconded by Councilman Fischer, to adjourn from the Regular Meeting at 8:40 p.m.

Deborah K. Maurer, Town Clerk