

TOWN OF PENDLETON
April 8, 2019

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 April 2019 at 7:00 p.m. A Public Hearing was scheduled for 6:55 p.m.

PUBLIC HEARING
SEWER REMEDIATION TRUST FUND
INFLOW AND INFILTRATION REDUCTION PROGRAM

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on April 1, 2019 and on the Town's website.

Supervisor Maerten opened the Public Hearing at 7:03 p.m. He explained that **the** purpose of the hearing was to receive public input for the proposal to establish a Sewer Remediation Trust Fund in support of the Town of Pendleton's Inflow and Infiltration (I & I) reduction program.

There were no public questions or comments.

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

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:04 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
Kelli Coughlin – Assessor
Jason Thompson – Building Inspector
Craig Walter – Deputy Highway Superintendent
David Britton – Engineer
Don Bergman – Budget Officer
Mark Walter – Emergency Services Coordinator
Wolfgang Buechler – Zoning Board of Appeals Chairman
John Higgins – Planning Board Administrative Assistant
Nicholas Graves – Planning Board Member

There were 12 residents in attendance, 10 of which were Starpoint students.

ADDITIONS OR DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Add item #11 Sewer Remediation Trust Fund
- Add item #12 Water/Sewer Superintendent Stipend
- Add item #13 Executive Session for two purposes:
 - Personnel Matter in Building Department
 - Union Negotiations

COMMUNICATIONS

There were no matters to discuss.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

There were no public remarks or comments on the agenda items.

ROUTINE BUSINESS

RESOLUTION 111-19

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the Work Session on February 25, 2019, the Regular Meeting on March 11, 2019 and the Work Session on March 25, 2019 be approved as submitted by the Town Clerk.

RESOLUTION 112-19

AUTHORIZE PAYMENT OF ABSTRACT #7

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 payment of Abstract #7, to be paid on April 10, 2019, for the following expenditures:

General Fund	\$	40,816.93
Highway	\$	18,562.75
Sewer	\$	4,522.91
Water	\$	<u>46,782.52</u>
Total	\$	110,685.11

OTHER REPORTS

Supervisor Maerten reported that tax collected for February 2019 was \$108,961.37. This is a decrease of \$1,968.60 when compared with February 2018. The year to date received was \$233,319.85 which is a decrease of \$4,022.81 from 2018.

Supervisor Maerten also reported that he attended the Pendleton Lions Club 50th Anniversary Dinner that was held on March 30, 2019. He congratulated the club on this anniversary and noted that the Lions Club raised approximately \$7,200.00 at a Meat Raffle that was held to benefit the Pendleton Veterans' Association (PVA) monument construction fund. He thanked the Lions Club for all of their hard work. Supervisor Maerten also reminded those in attendance that the PVA will be holding their Annual Memorial Day Wreath Laying Ceremony on May 27, 2019 at 11:00 a.m. The Supervisor also reported that he has invited the leadership of the Wendelville Fire Company to the next Work Session, on April 22, 2019, to discuss some items with the Board. He also noted that a representative from RBC Wealth Management will be providing an update to the Board, prior to the June Town Board meeting, regarding the Length of Service Awards Program (LOSAP) which is the pension program for our volunteer firefighters. The fire company leadership will also be invited to attend. Lastly, he commented that the park playground was very full over the weekend. He was thankful to see that it is being appreciated by the public.

Councilman Leible read the Highway Department's report from March. He stated that the Highway Department plowed and salted when necessary, hauled snow, installed signs, removed stakes and repaired mailboxes. They also washed trucks, checked on grades at 6749 Campbell Boulevard, put up the Historical Society's sign, repaired plow damage and worked on the Veterans' Time Capsule. Additionally, the Highway Department chipped brush, emptied the salt from trucks, worked on potholes and repaired the salter on a truck. Councilman Leible also reported that an emergency furnace repair was needed last month at the Town Hall due to a burned out heat exchanger. He also stated that rewiring and repair work were needed on a few of the doors at Town Hall. Lastly, the Town is due a refund from Modern Disposal due to the trash not being picked up during the storm earlier in the year. Modern will be donating all of the portable toilets for the Town Park this year.

Councilman Fischer read the Water/Sewer Department's report from March. The Sewer Department had 32 regular and 19 overtime sewer calls. There was one sewer break, one

partial GPU update and two new house GPU installations completed. They rebuilt E-One pumps, completed lift station and duplex checks, removed an Omni site monitoring system from Aiken Road lift station that needed repairs and removed fixtures from park bathrooms. The Water Department installed two meters and readers for new builds, repaired three water boxes and completed five sold home inspections. A water main valve was repaired, four final meter reads were completed, recycle totes were delivered and quarterly pit and manual reads were completed. They had a water break at 4196 Lockport Road, completed 64 stakeouts and drained the water from the ice rink. Councilman Fischer also reported that he attended last month's Conservation Advisory Council's (CAC) meeting. The CAC will be manning a booth at this year's Pendleton Farm and Home Days so the community can become more aware of what the council is all about. Dore Landscaping will be donating a large tree that the CAC will raffle off during the event.

Councilman Ostrowski explained that he received a response from Chris Schregel, Traffic Safety Coordinator, Town of Amherst Engineering Department. The Amherst Town Safety Board (ATSB) is not recommending an all-way stop be established at this time. They cite that there is insufficient traffic volume on the Tonawanda legs of the intersection to warrant an all-way stop. Instead, they are recommending that Erie County consider posting a STOP AHEAD north of the intersection and in advance of the Pendleton intersection of East Canal Road and Tonawanda Creek Road. Councilman Ostrowski also stated that he has been informed that Niagara County has installed some new signs near the intersection. He reported that Central Niagara Baseball and Softball Association (CNBSA) had conducted in-person registrations at the Town Hall in the previous months and that the Pendleton Athletic Booster Association (PABA) has begun registration for flag football and lacrosse. Councilman Ostrowski also reported that the Pendleton Recreation Committee will be visiting Depeau Park next week to determine a location for the new pavilion.

Councilman Graham said that he has met with the Building Department recently to discuss some ongoing business and has nothing else to report at this time.

Supervisor Maerten reported that the Pendleton Traffic Safety Patrols, that had been approved earlier this year, will begin in May.

Attorney Joerg informed the Board that he and Assessor Coughlin were able to resolve the Article 7 proceedings for the Hampton Inn. They will work on the Tan-Tara Article 7 review next. He stated that he has also been working with Engineer Britton on the solar project on Bear Ridge Road.

Engineer Britton provided his Engineering Report for April giving an update on the projects currently underway with the Planning Board and the Town. He reported that the Meadows North Subdivision's Final Plat submission is under review, the Final Plat for the Heritage Landing Subdivision has been approved, a Site plan and State Environmental Quality Review (SEQR) determination for the Borrego Solar Project was issued on March 19, 2019 and the Holiday Inn's Site Plan was also approved by the Planning Board. He also reported that the grant for the Portable Generator at the Highway Garage is moving along and the Final Design is underway for the Fisk Road project with a bid opening scheduled for June 4, 2019 at 2:00. The advertisement for the bids is scheduled for May. There is also a plan to schedule an informational meeting for the residents prior to the construction starting. Additionally, the water tank painting project is on hold for a December 2019 bid, a NYS Department of Public Service Procedural Conference is scheduled for April 17, 2019 at 11:00 a.m. regarding the Intervenor Funding for the Bear Ridge Solar Project and the MS4 State Pollutant Discharge Elimination System (SPDES) is due June 1, 2019.

Budget Officer Bergman commented on the refund that is due from Modern Disposal. He explained that it will need to be documented and assigned to the appropriate account. He also reported that the year-end financial report has been completed and sent to Albany.

Councilman Ostrowski added that Opening Day for baseball is May 11th. A parade is tentatively scheduled for 10:00 a.m.

DEPARTMENT HEADS

Town Clerk Maurer reported that the Water/Sewer Monthly Report indicated that the total received for the month of March was \$8,254.52. She also reported that the 2019 tax season has closed and that all monies were turned over to the Niagara County Treasurer and the Supervisor as determined by the Tax Warrant. Ninety-five percent of the Town's taxes were paid.

Assessor Coughlin reported that the Taxable Status Date was March 1, 2019 and the Tentative Roll will be available May 1, 2019. The information for the sales from March will not be available until after the Tentative Roll is turned over to the county. All of the property tax exemptions have been processed. There was a total of 146 Enhanced, 91 Aged and 107 Agricultural exemptions. She has reviewed most of the 146 building permits adding values when appropriate. She has also completed 18 new and 15 partial values. Assessor Coughlin attended the Niagara County Industrial Development Agency (NCIDA) Public Hearing that was held on April 1st. She added that the large format scanner/printer was delivered last month and she has started scanning blueprints.

Building Inspector Thompson reported that 20 building permits and 13 contractor licenses were issued in March. His department has completed 36 building permits and conducted 39 visual inspections. They also issued 10 violations in March.

NEW BUSINESS

RESOLUTION 113-19

NYSATRC CONFERENCE JUNE 9-12, 2019

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 Town Clerk Maurer to attend the New York State Association of Tax Receivers and Collectors (NYSATRC) Annual Conference in Lake Placid, June 9-12, 2019, with registration and standard reimbursement rates covered.

RESOLUTION 114-19

HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING 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 adopt the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program agreement

Postage Machine

Discussion on this agenda item was postponed for two weeks.

A discussion occurred regarding the Court's request to install an Automated Teller Machine (ATM) in the Town Hall. Councilman Ostrowski expressed safety and security concerns about this issue.

RESOLUTION 115-19

ATM – TOWN HALL

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

ADOPTED: Ayes 3 Fischer, Graham, Leible

Nays 2 Maerten, Ostrowski

Resolved to allow the placement of an Automated Teller Machine (ATM) in Town Hall.

RESOLUTION 116-19

PAVILION FEE WAIVERS

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

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

Nays 0

Resolved to waive the pavilion rental fee for any group that provides services solely for special education students.

RESOLUTION 117-19

TOWN WIDE GARAGE SALE

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 advertisement of the Town Wide Garage Sale to be held Friday, May 31, 2019 and Saturday, June 1, 2019.

The Highway Department pursued quotes from four vendors for work to replace the door and frame of the Highway Garage's office entrance door. The lowest bid submitted was from Twin City Glass Corporation.

RESOLUTION 118-19

HIGHWAY GARAGE OFFICE ENTRANCE DOOR

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

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

Resolved to accept the low bid of \$4,226.00 from Twin City Glass Corporation to replace the Highway Garage office entrance door.

The Water Department received a quote from Lock City Supply, a sole source provider, for the replacement of the department's mobile meter reading software. The total cost, after a credit of \$4,000.00 is applied, is \$9,083.00.

RESOLUTION 119-19

WATER DEPARTMENT – MOBIL TRANSCEIVER AND METER READING 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 accept the quote of \$9,083.00, from Lock City Supply, for the replacement of the BEACON® Advanced Metering Analytics (AMA) software.

RESOLUTION 120-19

WATER DEPARTMENT – REPLACEMENT FEES FOR DAMAGED METERS/READERS

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

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

Resolved to adopt the following fees to replace devices of preventable damage: ¾" Water Meter - \$55.74, ¾" Meter Reader - \$182.91, ¾" Meter Pit Reader - \$176.09, 1" Water Meter - \$168.35, 1" Meter Reader - \$182.91, 1" Meter Pit Reader - \$176.09

RESOLUTION 121-19

SEWER REMEDIATION TRUST FUND

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

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

**TOWN OF PENDLETON
LOCAL LAW NO. 1 OF THE YEAR, 2019**

A Local Law Entitled "Sewer Remediation Trust Fund"

WHEREAS, The Town of Pendleton hereby adopts a Local Law amending Chapter 209 of the Town of Pendleton Code applicable to Sewer and Water;

WHEREAS, a public hearing was held on the 8th day of April, 2019 at 6:55 p.m. in the Pendleton Town Hall, Pendleton, New York, on said Local Law, and

WHEREAS, no one appeared to speak on said Local Law, and

WHEREAS, no amendment was made to said Local Law, now, therefore, be it

RESOLVED, that a Local Law of the Town of Pendleton, New York, amending Chapter 209 of the Town of Pendleton Code applicable to Sewer and Water, be enacted by the Town Board for the Town of Pendleton, as follows:

**Amendment Chapter 209 Sewer and Water
Sewer Remediation Trust Fund**

§209-14

(A) Purpose.

The Town of Pendleton as Owner/Operator of the sanitary sewer collection system is required under direction of the New York State Department of Environmental Conservation to reduce infiltration and inflow (I & I) of water into the sewage system on a 4:1 ratio for each proposed new source of inflow (i.e., new users) into the sewer system. Accommodating that requirement is difficult for developers as the improvements may be extremely costly and therefore not a cost efficient mechanism for addressing I & I. Accordingly, the Town is establishing a Sewer Remediation Trust Fund into which developers may pay funds which the Town will use to reduce I & I on the most efficient basis possible. Funds deposited will be used to support Town projects reducing I & I flows.

(B) Establishment of fund.

There is hereby established the Town of Pendleton Sewer Remediation Trust Fund.

(C) Responsibilities of new sewer system users.

Prior to hooking up to the Town sewer system, new users are required to file an application for a Sanitary Sewer Extension approval from the NYSDEC, or its designated agent, for any connection designed or intended to convey 2,500 gallons per day or more of residential sewage alone or in combination with storm water and shall perform projects reducing I & I on a 4:1 ratio, pay into Town of Pendleton Sewer Remediation Trust Fund, or a combination of both.

(D) Credit for remediation efforts.

Credit for remediation efforts shall be based on the attached Schedule A, Erie County Division of Sewerage Management General Infiltration and Inflow (I & I) - Contribution Removal Values by Source, which the Town Board may by resolution amend from time to time.1

(E) Payment rate.

Payments into the Town of Pendleton Sewer Remediation Trust Fund shall be at a rate of \$100/GPM for new projects, based on the Town's cost to remediate. The Town Board may by resolution amend the amount of credits from time to time.

1. Editor's Note: Said schedule is on file in the Town offices

RESOLUTION 122-19

WATER & SEWER SUPERINTENDENT STIPEND

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

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

Resolved to approve an annual stipend of \$10,000.00 for the Water and Sewer Superintendent retroactive to January 1, 2019.

PUBLIC REMARKS/COMMENTS

Budget Office Don Bergman asked the Supervisor a question about the employee dental coverage.

BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that the next Work Session will be held on Monday, April 22, 2019 at 7:00 p.m.

Regular Meeting
April 8, 2019

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Regular Meeting and enter into an Executive Session to discuss personnel for the Building Department, inviting Town Attorney Joerg and Building Inspector Thompson, at 8:00 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session with the Building Inspector and enter into an Executive Session to discuss union negotiations with the Town Attorney at 8:30 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.

Deborah K. Maurer, Town Clerk