

TOWN OF PENDLETON
May 13, 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 13th day of May 2019 at 7:00 p.m. A Public Hearing was scheduled for 6:55 p.m.

PUBLIC HEARING

Supervisor Maerten opened the Public Hearing at 6:58 p.m. The notice for the Public Hearing was published in the Lockport Union Sun & Journal on April 18, 2019 and on the Town's website.

REPLACEMENT FEES FOR DAMAGED WATER METERS AND ELECTRONICS

The purpose of the hearing is to receive public input for the proposed increase to replacement fees for damaged water meters and electronics.

Supervisor Maerten explained that this proposal reflects the increase in the cost of replacement parts for water meters. The replacement fees will only be imposed upon residents whose meters were damaged as to what could be described as preventable.

There were no public questions or comments.

Motion made by Councilman Fischer, seconded by Councilman Ostrowski, to close the Public Hearing at 7:00 p.m. Motion carried.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:00 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	Absent
Councilman Ostrowski	Present

Also present:

Deborah Maurer – Town Clerk
Claude Joerg – Town Attorney
Craig Walter – Deputy Highway Superintendent
David Britton – Engineer
Don Bergman – Budget Officer
Wolfgang Buechler – Zoning Board of Appeals Chairman
Nicholas Graves – Planning Board Member
Mark Walter – Emergency Services Coordinator

There were 13 residents in attendance, 8 of which were Starpoint students.

ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

COMMUNICATIONS

Town Clerk Maurer reported that the following events will be taking place this month in the Town:

- The Pendleton Veterans Association's Annual Flag Sale - May 17th and 18th at the Log Cabin
- The Historical Society Basket Raffle and Bake Sale - Saturday, May 18th at the Log Cabin
- The Pendleton Veterans Association's Memorial Day Wreath Laying Ceremony - Monday, May 27th at 11:00 a.m. outside of Town Hall

- The Town Wide Garage Sale is scheduled for Friday, May 31st and Saturday, June 1st. Addresses will be available in the Town Clerk's office and on the Town's website by May 28, 2019.

Town Clerk Maurer also read a letter from the Lockport Public Library thanking the Town for the funds received for 2019.

Supervisor Maerten welcomed Jim Sobczyk and Shirley Raub, of the Pendleton Community and Business Association, to the meeting. They were in attendance to present the Board with a check from Niagara County for \$2,500.00. The Town Board voted at a previous meeting to match this award as an annual grant for business promotion in the Town of Pendleton. This year's funding will go towards a shelter that will be placed at the trailhead of the Town's bike path on Campbell Boulevard.

Next, Supervisor Maerten presented Charles Langlois with the Sylvester Pendleton Clarke Citation for Community Service recognizing his many years of service to the Town of Pendleton. Mr. Langlois was a member of the Recreation Committee from 2009 -2019 and served as the Director of the Summer Recreation program for many years. His dedication to the youth of our community is appreciated by all.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

There were no public remarks or comments.

ROUTINE BUSINESS

RESOLUTION 127-19

APPROVAL OF MINUTES

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
 Nays 0
 Absent 1 Leible

Resolved that the minutes of the Regular Meeting on April 8, 2019 be approved as submitted by the Town Clerk.

RESOLUTION 128-19

APPROVAL OF MINUTES

Motion by Supervisor Maerten, seconded by Councilman Fischer, the following resolution was

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
 Nays 0
 Absent 1 Leible

Resolved that the minutes of the Work Session on April 22, 2019 be approved as submitted by the Town Clerk.

RESOLUTION 129-19

AUTHORIZE PAYMENT OF ABSTRACT #9

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
 Nays 0
 Absent 1 Leible

Resolved to authorize payment of Abstract #9, to be paid on May 15, 2019, for the following expenditures:

General Fund	\$	53,939.81
Highway	\$	19,304.52
Sewer	\$	2,466.08
Water	\$	<u>8,075.66</u>
Total	\$	83,786.07

OTHER REPORTS

Supervisor Maerten reported that tax collected for March 2019 was \$147,310.06. This is an increase of \$4,441.51 when compared with March 2018. The year to date received was \$380,629.91 which is an increase of \$418.70 from 2018.

Supervisor Maerten thanked Councilman Leible for attending the veterans' luncheon, on May 7, 2019, to present proclamations on behalf of the Town Board recognizing two remaining World War II veterans living in town. [See proclamations below]. He also reported that the Planning Board, Town Engineer Dave Britton and retired Planning Board Administrative Assistant John Lavrich, are working together on updates to the Town Code for zoning, drainage, excavations and fill. He will provide updates to this project as they become available.

Councilman Fischer read the Highway Department's report for April. During the month the Highway Department chipped brush, repaired and installed bubblers at various locations, finished brush hogging the bike path between Meyer and Killian and cleaned ditches. They worked on drainage, helped with the Veterans' monument, began to prepare the park and fields for the summer sports teams, used the street sweeper in the subdivisions and attended CPR training. The Town also shared services with the Town of Cambria's Highway Department. Councilman Fischer also read the Water/Sewer Report. In April the Sewer Department had 23 regular and nine overtime calls. They repaired four sewer breaks, completed duplex and life station checks, rebuilt E-One pumps and replaced two sewer boxes. They also painted the old restrooms at the park and shut off water at the old driving range on Transit Road. The Water Department replaced one water box, completed the quarterly meter reading and seven sold home inspections. The Water Department also completed 127 stakeouts and three final water reads. Craig Walter and Jonathon Berry completed a two-day course for Grade D Water Licenses. Councilman Leible also stated that he completed the Wendelville Fire Company's Length of Service Award Program (LOSAP) audit and attended a recent Pendleton Farm and Homes Day meeting. He reported that things are going well and that they are looking for volunteers to help with this event.

Councilman Ostrowski informed the Board that he received a response from the Amherst Traffic Safety Board (ATSB) regarding the requested Stop Ahead Advanced Warning sign at the intersection of New Road and Tonawanda Creek Road. The ATSB has approved this request and it will be installed within the next couple weeks. He also reported that he has spoken with Legislator Nemi regarding enhancing the existing signs at this intersection and possibly installing a solar powered stop sign with the assistance of Niagara County. Councilman Ostrowski gave his condolences to the Leible family for their recent loss and informed everyone that the articles for the summer newsletter are due on May 25th.

Councilman Graham read the Building Department report for Building Inspector Thompson who was absent. In April, the Building Department issued 48 building permits and 26 contractor licenses. Thirty-two building permits were completed and 74 visual inspections were conducted. There were 11 violation notices sent with nine still outstanding. The Building Department has been addressing usual springtime problems from property maintenance and drainage issues. He also reported that construction is in full swing. Bobcat of Buffalo has begun construction and the Holiday Inn Express will be starting site work soon. Councilman Graham also read the Assessor's Monthly Report in her absence. The report stated that the Tentative Roll became available on May 1, 2019 and change of assessment notices were mailed out. The Assessor attended the IDA public hearing for the Holiday Inn Express and has continued the process of scanning blue prints. Also noted was that Grievance Day is May 28th from 3 p.m. until 8 p.m. Councilman Graham thanked the Highway Department employees for striping the soccer fields.

Attorney Joerg reported that he has been working on the Fisk Road bid specs with Engineer Britton.

Engineer Britton highlighted some items on his monthly report. The Fisk Road bid announcement was published today, May 13, 2019. It will also be published on Avalon Planroom of Buffalo [<https://www.avalonbuff-planroom.com/jobs/3621/details/highway-rehabilitation-of-fisk-road>]. The bid opening is scheduled for June 4, 2019 at 2:00 p.m. He also stated that he and Superintendent Stowell have been investigating the drainage issue on Tonawanda Creek Road. He provided the Board with a couple of different options for this repair. Mr. Britton also commented on the Bear Ridge Solar Project stating that the draft stipulation comments are due soon and that there will be a meeting at the Wendelville Fire Hall on Thursday, May 16th.

Budget Officer Bergman reported that all of the journal entries are complete and 2018 is "in the books".

DEPARTMENT HEADS

Town Clerk Maurer reported that the Water/Sewer Monthly Report indicated that the total received for the month of April was \$2,321.87. She also reported that registration for the Summer Recreation Program began on May 1, 2019 and has been going smoothly. Registration will be accepted until May 31st without a late fee. Late registrations will be accepted until June 7th with an additional \$100.00 fee. Mrs. Maurer attended the New York State Town Clerks' Association Annual Conference in Syracuse, NY at the beginning of May and also stated that she is in the process of centralizing the collection of payments for all departments, accepting credit card payments for all departments and adding online payments in the near future.

NEW BUSINESS

Town Clerk Maurer presented information to the Board about Sustainable Tomorrows (ST), a nonprofit organization, that can evaluate the Town's utility payments. The Town will receive 50% of all refunds, credits, and reductions found for electricity/gas and water/sewage costs. Many municipalities, including Niagara County, have already used ST to reduce their utility costs and obtain refunds due to them. There is no upfront or annual cost for these services.

RESOLUTION 130-19

SUSTAINABLE TOMORROWS

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
 Nays 0
 Absent 1 Leible

Resolved to engage in the services of Sustainable Tomorrows in an effort to reduce the Town's utility cost.

RESOLUTION 131-19

MS4 ANNUAL REPORT

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
 Nays 0
 Absent 1 Leible

WHEREAS, the Town of Pendleton has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Town's efforts to protect and improve the water quality of our streams and water bodies, and

WHEREAS, the public is invited to review the Draft Annual Report and provide input, and

WHEREAS, a Draft Annual Report has been prepared in conformance with the Phase II Regulations by the Highway Department, and

WHEREAS, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY, by May 30, 2019.

NOW, THEREFORE BE IT RESOLVED, that the Town Board accepts said Draft Annual Report and is available for public review at the Town of Pendleton Town Clerk's Office and the Public Works Department and authorizes the Supervisor to sign the annual report after the 10-day review period has passed.

RESOLUTION 132-19

AUTHORIZE SUPERVISOR TO SIGN SUPPLEMENTAL AGREEMENT NO. 1 TO NYSDOT #D035657

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
 Nays 0
 Absent 1 Leible

Authorizing the implementation and funding in the first instance 100% of the federal-aid and state "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds thereof.

WHEREAS, a Project for the HIGHWAY REHABILITATION OF FISK ROAD, P.I.N.

5761.70 (the Project) is eligible for the funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ration of 80% Federal funds and 20% non- federal funds; and

WHEREAS, the Town of Pendleton desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Construction/Construction inspection phase.

NOW, THEREFORE, the Pendleton Town Board, duly convened does hereby

RESOLVE, that the Pendleton Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Pendleton to pay in the first instance 100% of the federal and non-federal share of the cost of Construction/Construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$600,000 is hereby appropriated from Budget Line DA5110.0400 of the Town of Pendleton 2019 budget adopted on November 14, 2018 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Pendleton Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation therefore, and it is further

RESOLVED, that the Supervisor of the Town of Pendleton is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town Board with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of the resolution be filed with New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

RESOLUTION 133-19

COMMIT FUNDING - HIGHWAY REHABILITATION OF FISK ROAD PROJECT

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski

Nays 0

Absent 1 Leible

Resolved to authorize the Town Board to commit to funding up to \$600,000.00 above the NYSDOT funding limit of \$2,800,000.00.

RESOLUTION 134-19

SUMMER PUBLIC WORKS EMPLOYEES

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski

Nays 0

Absent 1 Leible

Resolved to approved the hiring of temporary summer employees Jason Donner and Michael Donner.

RESOLUTION 135-19

REPLACEMENT FEES FOR DAMAGED WATER METERS AND ELECTRONICS

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to approve changes to the following replacement fees as presented during the Public Hearing:

- Fee for 1-inch damaged/frozen water meter set at \$175.00
- Fee for ¾ inch or 1-inch damaged water meter electronics set at \$185.00
- Fee for sold home water and/or sewer inspection compliance set at \$50.00
- Fee for inspection of tap in over 1-inch set at \$50.00, tap in and installation of meter and electronics are to be the responsibility of the owner

RESOLUTION 136-19

NEW TOWN VEHICLES

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to authorize the solicitation of bids for acquisition of one or more Town vehicles.

RESOLUTION 137-19

ONLINE PAYMENT OPTIONS

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to authorize the Town Clerk to expand payment options to online payments.

The following proclamations were presented to the recipients on Tuesday, May 7, 2019 at a Veterans' luncheon by Councilman Leible.

RESOLUTION 138-19

PROCLAMATION HONORING LEONARD POGORZALA

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to recognize the service of Leonard J. Pogorzala with the following proclamation:

On behalf of the Citizens of the Town of Pendleton, we hereby issue this proclamation honoring commitment and service to the community.

Proclamation Honoring
Leonard J. Pogorzala

Whereas, Leonard Pogorzala has been a long-time resident of the Town of Pendleton; and

Whereas, Mr. Pogorzala served honorably and valiantly for our great country, serving in the Pacific Ocean theater of operation during World War II; and

Whereas, Mr. Pogorzala continued to exhibit his dedication to the United States of America and his unwavering willingness to fight for freedom, serving honorably earning the distinction as a Korean War veteran, earning multiple commendations; and

Whereas, Leonard Pogorzala and his generation of veterans fought for our freedom, without regard for any personal sacrifice. Therefore:

The Town Board of the Town of Pendleton, on behalf of the citizens of this great town, hereby recognizes Leonard J. Pogorzala and thanks Mr. Pogorzala for his dedication and contributions to our country.

RESOLUTION 139-19

PROCLAMATION HONORING ANTHONY STANCZYK

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to recognize the service of Anthony J. Stanczyk with the following proclamation:

On behalf of the Citizens of the Town of Pendleton, we hereby issue this proclamation honoring commitment and service to the community.

Proclamation Honoring
Anthony J. Stanczyk

Whereas, Anthony Stanczyk has been a long-time resident of the Town of Pendleton; and

Whereas, Mr. Stanczyk served honorably and valiantly for our great country, serving in both the European and Pacific Ocean theaters of operation during World War II; and

Whereas, Mr. Stanczyk served on eight different naval vessels during six years of service, earning multiple commendations; and

Whereas, Anthony J. Stanczyk and his generation of veterans fought for our freedom, without regard for any personal sacrifice. Therefore:

The Town Board of the Town of Pendleton, on behalf of the citizens of this great town, hereby recognizes Anthony J. Stanczyk and thanks Mr. Stanczyk for his dedication and contributions to our country.

Supervisor Maerten explained that the following proclamations are to honor 60-year veterans of the Wendelville Fire Company and will be presented at a meeting in June at the fire hall.

RESOLUTION 140-19

PROCLAMATION HONORING DONALD LANTERNIER

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to recognize the service of Donald Lanternier with the following proclamation:

On behalf of the Citizens of the Town of Pendleton, we hereby issue this proclamation honoring commitment and service to the community.

Proclamation Honoring
Donald Lanternier

Whereas, Donald Lanternier has been a long-time resident of the Town of Pendleton who has reached the milestone of 60 years of service to the Wendelville Fire Company; and

Whereas, Mr. Lanternier is a veteran of the Korean War, having served honorably in the United States Army from 1953 to 1955; and

Whereas, Don served as Town of Pendleton Town Justice for 34 years, retiring in 2000; and

Whereas, Don Lanternier dedicated his time as a volunteer with the Wendelville Fire Company, serving as the Fire Company's President (1962), Vice-President (1961), Treasurer (1963-1964), and currently as historian. Therefore:

The Town Board of the Town of Pendleton, on behalf of the citizens of this great town, hereby recognizes Donald Lanternier and thanks Mr. Lanternier for his dedication and contributions to the United States of America and the Town of Pendleton.

RESOLUTION 141-19

PROCLAMATION HONORING ELMER WALTER

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to recognize the service of Elmer Walter with the following proclamation:

On behalf of the Citizens of the Town of Pendleton, we hereby issue this proclamation honoring commitment and service to the community.

Proclamation Honoring
Elmer Walter

Whereas, Elmer Walter has been a long-time resident of the Town of Pendleton who has reached the milestone of 60 years of service to the Wendelville Fire Company; and

Whereas, Mr. Walter is a proud veteran, having served honorable in the United States Army from 1947 to 1951; and

Whereas, Elmer served as Town Clerk of the Town of Pendleton from 1964 to 1973; and

Whereas, Elmer dedicated his time as a volunteer with the Wendelville Fire Company, serving over the years as Secretary, Financial Secretary, Trustee, and also as a dedicated member of the Fire Company's Fire Police. Therefore:

The Town Board of the Town of Pendleton, on behalf of the citizens of this great town, hereby recognizes Elmer Walter and thanks Mr. Walter for his dedication and contributions to the United States of America and the Town of Pendleton.

RESOLUTION 142-19

PERSONNEL ACTION – JOHN STRIEGEL RETIREMENT

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to accept the retirement and resignation of John (Jack) Striegel, effective May 6, 2019, from the position of Building Inspector/Code Enforcement Officer.

RESOLUTION 143-19

PERSONNEL ACTION – WYATT MAERTEN RESIGNATION

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to accept the resignation of part-time laborer, Wyatt Maerten, effective May 17, 2019.

RESOLUTION 144-19

ADVERTISEMENT OF OPEN POSITIONS

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to advertise for the position of part-time Code Enforcement Officer.

RESOLUTION 145-19

BRUSH CHIPPER TRADE IN

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Ostrowski
Nays 0
Absent 1 Leible

Resolved to accept a proposal for an equal exchange of the Town's 2017 Morebark Brush Chipper for a 2019 Morebark Brush Chipper.

PUBLIC REMARKS/COMMENTS

A resident asked when the construction will begin on Fisk Road. Supervisor Maerten explained the various steps that will take place before the construction actually begins and anticipates that the blacktop and surface work will be completed by the fall.

BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that there will be no Work Session scheduled for May.

Motion made by Councilman Fischer, seconded by Councilman Ostrowski, to adjourn from the Regular Meeting and enter into an Executive Session to discuss contract negotiations, inviting Town Attorney Joerg, at 7:57 p.m. Motion carried.

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

Deborah K. Maurer, Town Clerk