

TOWN OF PENDLETON
September 9, 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 9th day of September 2019 at 7:00 p.m. A Public Hearing was scheduled beginning at 6:55 p.m.

PUBLIC HEARING

PUBLIC HEARING – PROPOSAL FOR CHANGE IN WATER/SEWER BILL PAYMENT ACCEPTANCE

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on August 30, 2019 and on the Town's website.

Supervisor Maerten opened the Public Hearing at 7:02 p.m.

The purpose of the hearing is to receive public input for the proposed Local Law allowing receipt of water and sewer payments to be considered received two days before actual receipt in absence of a United States Postal Service (USPS) postmark.

Rita Dispenza spoke representing the Water Billing Department and Town Clerk Maurer spoke representing the department that receives the payments. A few residents had questions about the third party payment process that were answered by Mrs. Dispenza. A discussion took place regarding the current law regarding mail that does not contain a USPS postmark and the impact it has on the residents.

Motion made by Supervisor Maerten, seconded by Councilman Leible, to close the Public Hearing at 7:14 p.m. Motion carried.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:15 p.m.

Supervisor Maerten read the invocation and the salute to the flag. A moment of silence was also observed to remember the terrorist attacks of September 11, 2001 and the recent passing of David Moje, a former Wendelville Fire Company Chief.

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
David Britton – Engineer
Don Bergman – Budget Officer
Kelli Coughlin – Town Assessor
Ron Diedrich – Building Inspector/Code Enforcement Officer
Jeff Stowell – Highway and Water/Sewer Superintendent
Wolfgang Buechler – Zoning Board of Appeals Chairman
Mark Walter – Emergency Services Coordinator

There were 18 residents in attendance, 6 of which were Starpoint students.

A motion was made by Supervisor Maerten, seconded by Councilman Leible, to enter into an Executive Session to discuss negotiations, inviting the Town Attorney and the Deputy Town Supervisor, at 7:16 p.m. Motion carried.

A motion was made by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session and return to the Regular Meeting at 7:40 p.m. Motion carried.

ADDITIONS OR DELETIONS TO THE AGENDA

The following revisions were made to the agenda:

- Remove Executive Session
- Remove Architectural Proposal
- Add Justice Court Assistance Program (JCAP) Grant
- Remove Board of Assessment Review Appointment

COMMUNICATIONS

Town Clerk Maurer reported that she received a letter from Assessor Coughlin requesting reappointment. The letter included her resume and training credentials. The letter was forwarded to the Town Board. She also reported that a letter was received from a resident in support of Assessor Coughlin. This letter was also forwarded to the Town Board.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

Board of Assessment Review (BAR) Chairwoman Sandra Masterson asked why the BAR appointment was removed from the Agenda. Supervisor Maerten explained that the Town of Pendleton is negotiating with another municipality about shared assessment services. They will hold off on all items related to assessment until the agreement is completed. He expects to act on this at the October 14, 2019 meeting.

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

ROUTINE BUSINESS

RESOLUTION 223-19

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the Regular Meeting on August 12, 2019 be approved as submitted by the Town Clerk.

RESOLUTION 224-19

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 Special Meeting on August 16, 2019 be approved as submitted by the Town Clerk.

RESOLUTION 225-19

AUTHORIZE PAYMENT OF ABSTRACT #16

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 payment of Voucher Abstract #16, Vouchers #10979 – 11041, that were paid on August 21, 2019

General Fund	\$	29,033.81
Highway	\$	11,615.19
Refuse	\$	38,465.64
Sewer	\$	3,918.04
Water	\$	3,856.29
Total	\$	86,888.97

RESOLUTION 226-19

AUTHORIZE PAYMENT OF ABSTRACT #17

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 payment of Voucher Abstract #17, Vouchers # 11042 – 11121, to be paid on September 11, 2019

General Fund	\$	77,712.85
Highway	\$	1,057,528.48
Sewer	\$	7,072.06
Water	\$	5,683.10
Trust & Agency	\$	1,067.91
Total	\$	1,149,064.40

OTHER REPORTS

Supervisor Maerten reported that tax collected in July 2019 was \$135,263.08. This is an increase of \$4,168.25 when compared with July 2018. The year to date received is \$952,460.11 which is an increase of \$22,987.12 from 2018.

Supervisor Maerten reported that he recently met with Undersheriff Michael Filicetti to discuss the town's concerns such as speeding, traffic safety and occasional car break-ins. This meeting is part of an ongoing collaboration with the Niagara County Sheriff's Department and the Town of Pendleton.

Councilman Leible thanked everyone for submitting their newsletter articles on time. He also provided a brief update on the purchase of the two new Town Hall vehicles. He expects them to arrive in approximately one week.

Councilman Fischer read the Water/Sewer Department Report. In August, the Sewer Department had 20 regular and seven overtime sewer calls. They repaired two sewer breaks and helped set up for the Farm & Home Days. The Water Department had one water break and two water box repairs. They completed 10 final reads and six sold home inspections. The Water Department also installed one new water tap, replaced a frozen meter and repaired leaking line valves on Fisk Road. Additionally, they completed 118 stakeouts and one emergency stakeout on Fisk Road. Supervisor Maerten asked Councilman Fischer to provide a financial report for this year's Farm & Home Days.

Councilman Ostrowski stated that the Farm & Homes Days was a great event this year. He also provided feedback from some of the residents regarding the situation with the multiple generators and suggested looking into a solution to that for next year. Councilman Ostrowski also informed the Board and the audience that this was his last formal Town Board meeting. He has decided not to seek re-election in order to pursue professional development in his current law enforcement career. He has been accepted to attend the 278th class of the FBI National Academy. Councilman Ostrowski stated that this was not an easy decision. He appreciated the opportunity to serve the Town of Pendleton and is grateful to have worked with the Town Board and Town staff. He will continue to participate by phoning in to the remainder of the meetings for 2019.

Councilman Graham provided an update on the Recreation Committee stating that they have come up with a plan to share the maintenance of the Wendelville Fire Company's soccer field with KidsPlay. KidsPlay has considered moving away from using town property and going to Starpoint. He is asking for feedback regarding this.

Councilman Fischer and the rest of the Board congratulated Councilman Graham on his recent wedding.

Engineer Britton reported that the Meadows North Subdivision has received approval of its Final Plat submission which will now need to come before the Town Board. They must also file their Public Improvement Permits (PIP) and apply for a Sewer Improvement Extension and Stormwater District Formation. He also stated that the draft Excavation and Fill ordinance is now being reviewed by the Planning Board. The Tonawanda Creek culvert investigation is complete and the project has been put out for bid. He also reported that the Bear Ridge Solar Project is in the Stipulation Phase. Engineer Britton updated the Board on the status of the Fisk Road Project as well. A lengthy discussion took place regarding this project.

Budget Officer Bergman reported that he has begun working on the 2020 budget. He is still missing quite a few budget requests from various departments. The first budget session will be held on September 16th and is open to the public. He also informed the Board that he cannot attend the previously scheduled budget session on September 30th.

DEPARTMENT HEADS

Town Clerk Maurer remarked that the Pendleton Farm & Home Days was a great success. She commented on the fact that Councilman Ostrowski is leaving and is very sorry to see him go. She also reported that the ConnectLife (formerly UNYTS) Blood Drive held in August was very successful and another one will be scheduled for December. Clerk Maurer also provided an update on the server upgrade. She thanked the Highway Department for dropping the new wires and stated that the Niagara County IT staff will be coming in next to terminate those wires. Mrs. Maurer also reported that the new postage machine is now in use. She also reported on the monthly reports regarding monies received in the Town Clerk's office and by the Water/Sewer Department, both of which can be found online.

Highway and Water/Sewer Superintendent Stowell read the Highway report from August reporting that they chipped brush, put pipe in on Fisk Road, prepped the bike path shelter for an Eagle Scout project, delivered stone to Bear Ridge Cemetery and used the sewer jet to clean culvert pipes on Fisk Road. The Highway Department also cleaned out the ditch at Pivot Punch, completed a pipe job on Irish Road, prepared for the Farm & Home Days, hauled stone, repaired equipment, painted the PABA fields, maintained our parks and facilities and helped with Town Hall wiring. They also shared services with Niagara County, the Town of Newfane and the Town of Lockport during August. A discussion also took place regarding the Fisk Road Project and a water break on Lakeview Court.

Assessor Coughlin gave the Assessor's report from August. She stated that the summer intern has scanned three years of blueprints while she created digital sketches in the Apex program. She also ran reports and processed a sale transmittal to the State for 114 sales in Pendleton. The State will use these sales to create the equalization rate for 2020. She also worked on some of the special franchise addresses and finished up a summer project of confirming that all required documentation was submitted for the exemptions. Assessor Coughlin also contacted Niagara County Legislator Tony Nemi requesting that the Niagara County Legislature considers updating the Senior/Aged exemption levels. She also stated that she appreciates that the Town Board is talking with the Town of Wheatfield regarding the shared services agreement.

Building Inspector/Code Enforcement Officer Diedrich reported that in the month of August the Building Department issued 32 building permits and 15 contractor licenses. He stated that 73 building permits have been completed and 90 visual inspections were conducted. Six violations were sent with 3 still outstanding. One resident is currently in court for various infractions. The office has also been closing out expired permits from 2018. Mr. Diedrich also reported that they are no longer using the services of the Towns of Lockport and Cambria Building Departments.

Supervisor Maerten thanked Ron Diedrich, Joe Follendorf and Kim Frey for all of the hard work they have done to get things running smoothly in the Building Department.

Town Attorney Joerg spoke regarding a call that he received from Borrego Solar Systems, Inc. He reported that we have yet to receive a Decommissioning Bond or Payment in Lieu of Taxes (PILOT) agreement for this project. Mr. Joerg and Assessor Coughlin discussed the potential PILOT agreement and what the next steps should be. Supervisor Maerten asked Assessor Coughlin to contact the Town of Wheatfield to find out information about the PILOT agreement they have for Borrego. No Building Permit should be issued at this time.

NEW BUSINESS

RESOLUTION 227-19

LOCAL LAW FOR CHANGE IN WATER/SEWER BILL PAYMENT ACCEPTANCE

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. 02 OF THE YEAR, 2019

A LOCAL LAW ENTITLED:

“WATER/SEWER PAYMENTS RECEIVED WITHOUT USPS POSTMARK”

Be it enacted by the Town Board of the Town of Pendleton as follows:

For penalty purposes, water and sewer payments should be considered received two mail delivery days before actual receipt in absence of a United States Postal Service postmark.

RESOLUTION 228-19

AUTHORIZE FORWARDING OF OUTSTANDING WATER BILLS TO TOWN ASSESSOR FOR LEVY

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 Account Clerk to forward all water bills having a balance greater than \$9.99, as of 4:00 p.m. on September 20, 2019, to the Town Assessor's office to be levied to the Niagara County Tax Bill as an unpaid Town charge.

RESOLUTION 229-19

AUTHORIZE ASSESSOR TO LEVY UNPAID TOWN CHARGES TO 2020 NIAGARA COUNTY TAX BILL

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.

A discussion took place regarding Town Code § 131-1 Various Fees Enumerated, specifically the \$50.00 NYS fee for truss signage. Building Inspector/Code Enforcement Officer Diedrich requested that this fee be removed and that the responsibility be placed upon the owner and/or contractor to make the appropriate truss markings in the appropriate area.

RESOLUTION 230-19

REVISE TOWN CODE § 131-1 VARIOUS FEES ENUMERATED

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

Resolved to revise Town Code § 131-1 Various Fees Enumerated by removing the \$50.00 NYS fee for truss signage.

RESOLUTION 231-19

POTENTIAL INTERNSHIP OPPORTUNITIES

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

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

Resolved to authorize the Town Clerk to create accounts with the online portals Bullseye (University at Buffalo) and Purple Briefcase (Niagara County Community College) to explore potential internship opportunities for the Town.

RESOLUTION 232-19

ADVERTISE FOR CULVERT REPLACEMENT PROJECT BID

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

Resolved to approve advertisement of the 5084 Tonawanda Creek Road Culvert Replacement Project bids.

RESOLUTION 233-19

SCHEDULE PUBLIC HEARING

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 September 16, 2019 at 6:55 p.m., to receive public input for the proposed abolishment of Local Law No. 2- 2017 and adoption of a new Local Law related to Solar Panel installations. [Note: Due to notice filing requirements, the actual Public Hearing was scheduled for September 23, 2019 at 6:55 p.m.]

RESOLUTION 234-19

TRANSFER OF FUNDS – IMPROVEMENTS TO FISK ROAD

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 transfer of \$1,040,000.00 from General Fund to Highway Fund for the loan for improvements to Fisk Road.

RESOLUTION 235-19

2019 JUSTICE COURT ASSISTANCE PROGRAM (JCAP)

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

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

Resolved to provide support of the Justice Court Assistance Program 2019-20 Grant Application for the Town of Pendleton Justice Department.

WHEREAS the State of New York Unified Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, construction/renovations, automation, furniture, supplies and training.

WHEREAS the funding available under the State of New York Unified Court System would facilitate local efforts in upgrading the Town's Justice Departments.

RESOLVED that the Supervisor of the Town of Pendleton is hereby authorized and directed to file an application with the Justice Court Assistance Program not to exceed \$30,000 in grant funding.

PUBLIC REMARKS/COMMENTS

Water Billing Clerk Dispenza wished Councilman Ostrowski good luck with his future endeavors, congratulated Councilman Graham on his marriage and gave her sympathies on recent loss of his grandmother. She also congratulated the Farm & Home Days organizers and volunteers on a great job. Another resident questioned the Board about Building Codes in the Town of Pendleton. Supervisor Maerten advised the resident to contact the Building Department during normal business hours for answers to his specific questions.

BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that the following meetings have been scheduled:

- Budget Session, September 16, 2019, 7:00 p.m.
- Work Session, September 23, 2019, 7:00 p.m., followed by a Budget Session
- Budget Session, October 7, 2019, 7:00 p.m.
- Regular Meeting, October 14, 2019, 7:00 p.m.
- Budget Session, October 14, 2019, immediately following the Regular Meeting

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Regular Meeting at 7:38 p.m. Motion carried.

Deborah K. Maurer, Town Clerk