

TOWN OF PENDLETON

November 11, 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 11th day of November 2019 at 7:00 p.m. There were four Public Hearings scheduled to beginning at 6:40 p.m.

PUBLIC HEARINGS

PUBLIC HEARING #1 – PROPOSED ESTABLISHMENT OF A STORMWATER DISTRICT FEE

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

Supervisor Maerten opened the Public Hearing at 6:48 p.m.

The purpose of the hearing is to receive public input for the proposed establishment of a Stormwater District Fee.

Town Engineer David Britton explained that this proposed fee is for The Meadows at Pendleton North Subdivision. The proposal is to establish an upfront annual charge to the individual residents of this Storm Water District to cover the annual and long-term maintenance costs. The fee would be \$230.00 per lot per year as recommended by the engineer and developers involved in this project.

Motion made by Councilman Leible, seconded by Councilman Fischer, to close the Public Hearing at 6:52 p.m. Motion carried.

PUBLIC HEARING #2 – PROPOSED AMENDMENTS TO CHAPTER 235 VEHICLES AND TRAFFIC, ARTICLE III: PARKING, § 235-4 GENERAL PROVISIONS

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

Supervisor Maerten opened the Public Hearing at 6:52 p.m.

The purpose of the hearing is to receive public input for the proposed amendments to Chapter 235 Vehicles and Traffic, Article III: Parking, § 235-4 General Provisions.

Supervisor Maerten explained that the request made by the Highway and Water/Sewer Superintendent is to revise the restricted parking time from the current 1:00 a.m. – 6:00 a.m. to 8:00 p.m. – 6:00 a.m.

Councilman Fischer stated that he didn't think that this time change would be fair to the residents. He researched other towns and saw that no one restricts parking this early in the evening. Supervisor Maerten asked if this could even be enforced. A lengthy discussion occurred with a few residents expressing the same opinion that this change would be unfair and unrealistic. Another resident asked that if this particular code is to be revised that the new restrictions on Washington Street and in front of Starpoint School be addressed as well.

Motion made by Councilman Leible, seconded by Councilman Fischer, to close the Public Hearing at 6:57 p.m. Motion carried.

PUBLIC HEARING #3 – PROPOSED ESTABLISHMENT OF A SEWER IMPROVEMENT AREA FOR THE MEADOWS AT PENDLETON NORTH SUBDIVISION

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

Supervisor Maerten opened the Public Hearing at 6:57 p.m.

The purpose of the hearing is to receive public input for the establishment of a Sewer Improvement Area for The Meadows at Pendleton North Subdivision.

Engineer Britton gave a brief description of this project. There were no comments or questions from the Board or the public.

Motion made by Councilman Leible, seconded by Councilman Fischer, to close the Public Hearing at 6:59 p.m. Motion carried.

PUBLIC HEARING #4 – PROPOSED STORMWATER DISTRICT FOR THE MEADOWS AT PENDLETON NORTH SUBDIVISION

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

Supervisor Maerten opened the Public Hearing at 6:59 p.m.

The purpose of the hearing is to receive public input for the proposed new Stormwater District for The Meadows at Pendleton North Subdivision.

There were no comments or questions from the Board or the public.

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

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:05 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	Absent

Also present:

Noreen Lemma – Deputy Town Clerk
Claude Joerg – Town Attorney
David Britton – Engineer
Ron Diedrich – Building Inspector/Code Enforcement Officer
Jeff Stowell – Highway and Water/Sewer Superintendent
Wolfgang Buechler – Zoning Board of Appeals Chairman
Mark Walter – Deputy Supervisor/Emergency Services Coordinator
Rita Dispenza – Water Billing Clerk

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

ADDITIONS OR DELETIONS TO THE AGENDA

The following additions were made to the agenda:

- Add Executive Session

COMMUNICATIONS

Deputy Town Clerk Lemma stated that there was nothing to report.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

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

ROUTINE BUSINESS

RESOLUTION 279-20

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the Regular Meeting on October 14, 2019 be approved as submitted by the Town Clerk.

RESOLUTION 280-20

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the Budget Session on October 14, 2019 be approved as submitted by the Town Clerk.

RESOLUTION 281-20

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the Special Meeting on October 21, 2019 be approved as submitted by the Town Clerk.

RESOLUTION 282-20

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the Budget Session on October 21, 2019 be approved as submitted by the Town Clerk.

RESOLUTION 283-20

AUTHORIZE PAYMENT OF ABSTRACT #21

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

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

Resolved to authorize payment of Voucher Abstract #21, Vouchers #11351 - #11402, to be paid on November 13, 2019

General Fund	\$	21,046.73
Highway	\$	468,710.97
Sewer	\$	1,821.63
Water	\$	4,806.18
Total	\$	496,685.51

OTHER REPORTS

Supervisor Maerten reported that tax collected in September 2019 was \$182,705.37. This is a decrease of \$2,186.50 when compared with September 2018. The year to date received is \$1,279,034.49 which is an increase of \$39,478.52 from 2018.

Supervisor Maerten stated that the Veterans Day ceremony and dedication of the new monument was a wonderful event. The monument is a great addition to the town's property. The event, that was put on by the Pendleton Veterans Association, was well attended despite the bad weather.

Councilman Leible also commented on the Veterans Day ceremony and thanked all of our veterans for their hard work. He also reminded everyone that the newsletter articles are due by November 20th.

Councilman Fischer complimented the Pendleton Veterans for the event held today and remarked on what a great turnout there was. He also reported that he and Councilman-elect, Jason Evchich, recently completed the Length of Service Award Program (LOSAP) audit with the Wendelville Fire Company. Finally, he informed the audience that the Boy Scouts will be holding their annual food drive on Saturday, November 16th, starting at 9:00 a.m.

Councilman Graham thanked the veterans and apologized for not being able to attend the event. He also spoke about the request for letters of interest for appointments to the town's boards and committees. The Town Board is always looking for individuals who are willing to become involved.

Attorney Joerg reported that he is still working with the Borrego Solar Company on the decommissioning bond.

Engineer Britton provided updates about the Borrego Solar project, the status of the finalization of the Fisk Road project and the Tonawanda Creek Road Culvert project.

Councilman Graham added that the pavilion was completed at Depeau Park.

DEPARTMENT HEADS

Deputy Town Clerk Lemma stated that Town Clerk Maurer provided the Board with her monthly report for October.

Building Inspector/Code Enforcement Officer Diedrich reported that in October the Building Department issued 30 building permits and three contractor licenses. He noted that 64 building permits have been completed and 74 visual inspections were conducted. He also stated that two violations were sent, 13 complaints remain open, six complaints were closed and one resident is in court for various infractions. The Building Department also started compiling a list of businesses in town totaling more than 200. He will be using this list to determine which businesses will require annual fire inspections. He is also working on the permit fee increases and hopes to have them ready by the end of the month.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn to Executive Session to discuss contract negotiations, with Town Attorney Joerg and Deputy Supervisor Walter, at 7:23p.m. Motion Carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from Executive Session and return to the Regular Meeting at 7:49 p.m. Motion carried.

NEW BUSINESS

RESOLUTION 284-19

ESTABLISHMENT OF A STORMWATER DISTRICT FEE

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

ADOPTED: Ayes 4 Maerten, Fischer, Graham, Leible

Nays 0

Absent 1 Ostrowski

Resolved to establish an upfront annual charge, in the amount of \$230.00, to the individual residents of The Meadows at Pendleton North Subdivision.

Amendments to Chapter 235 Vehicles and Traffic, Article III: Parking, § 235-4 General Provisions

No motions were made regarding this discussion from the Public Hearing on this item. Councilman Leible requested that research be conducted regarding other updates to this section of the code as mentioned by a resident during the Public Hearing.

RESOLUTION 285-19

LETTER TO PLANNING BOARD REGARDING PARKING CODE

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

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

Resolved to authorize the Town Supervisor to send a letter to the Planning Board asking for a close look at sections of the Town Code related to parking within the town.

RESOLUTION 286-19

ESTABLISHMENT OF A SEWER IMPROVEMENT AREA FOR THE MEADOWS AT PENDLETON NORTH SUBDIVISION

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

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

Resolved to establish a Sewer Improvement Area for The Meadows at Pendleton North Subdivision as outlined during the Public Hearing.

RESOLUTION 287-19

NIAGARA RIVER GREENWAY APPLICATION SUBMISSION

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

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

RESOLVED to authorize and direct Joel Maerten, Supervisor of the Town of Pendleton, to file an application for funds in the amount of \$200,000 from the Niagara River Greenway Niagara County Ad Hoc Committee and execute a project agreement for such financial assistance to the Town of Pendleton for the proposed Town of Pendleton Community Building.

BE IT FURTHER RESOLVED, that the Town of Pendleton will commit matching funds in the amount of no less than \$365,000 in cash and in-kind services towards the Pendleton Community Building for a total constructed cost of \$565,000.

RESOLUTION 288-19

COMPENSATION FOR DECLINATION OF HEALTH INSURANCE

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

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

Resolved to reauthorize the annual stipend of \$1,000.00 to employees who decline health insurance for the year 2019, payable at the end of the year.

RESOLUTION 289-19

REPAIR PARTS FOR WATER MAINS

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

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

Resolved to accept the low bid of \$ 2,589.59 for repair parts for water mains and services.

RESOLUTION 290-19

REPAIR PARTS FOR GRINDER PUMPS

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

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

Resolved to spend \$ 3,395.40 for repair parts for E-One grinder pumps from a sole source vendor.

RESOLUTION 291-19

METER PIT GATE VALVES

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

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

Resolved to accept the low bid of \$2,734.20 for gate valves for the meter pit on Tonawanda Creek Road and Transit Road.

RESOLUTION 292-19

SURPLUS ITEMS FOR AUCTION

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

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

Resolved to declare the following items as surplus:

- One single base kitchen cabinet
- Three double base kitchen cabinets
- One blue laminate countertop
- One kitchen sink with faucet and supply lines
- One Maytag gas oven
- One Ramtec AV500 Series electric pressure washer
- One 100-gallon diesel fuel tank with 12v pump
- Two four drawer metal file cabinets (48" high)
- Two five drawer metal file cabinets (57" high)
- One five drawer double width file cabinet (48" high)

BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that there will be a Work Session on November 25th at 7:00 p.m. and the 2020 Organizational Meeting is scheduled for Monday, January 13, 2020 at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

A resident thanked the Board for the pavilion at Depeau Park as well as looking into the parking code.

ZBA Chairman Buechler congratulated the Board for their re-election. He also asked when the re-appointments to the Boards will be announced. Supervisor Maerten explained that they will be announced at the Regular and Organizational Meeting scheduled for January 13, 2020.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Regular Meeting at 7:56 p.m. Motion carried.

Noreen Lemma, Deputy Town Clerk