

**TOWN OF PENDLETON**  
**WORK SESSION**  
June 24, 2019

A work session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on June 24, 2019. The meeting was scheduled for 7:00 p.m.

Supervisor Maerten opened the meeting at 7:02 p.m.

Deputy Supervisor Walter, Councilman Fischer, Councilman Graham, Councilman Leible and Councilman Ostrowski were present. Supervisor Maerten was absent.

Also present:

Deborah Maurer – Town Clerk  
Claude Joerg – Town Attorney  
Kelli Coughlin – Town Assessor  
Craig Walter – Deputy Highway Superintendent  
Don Bergman – Budget Officer  
Joe Follendorf – Code Enforcement Officer

There were 7 residents in attendance.

The following amendments were made to the agenda:

- Add Waiver of Permit Fee for 4<sup>th</sup> of July
- Add Rescind Vehicle Bid from Basil Chevrolet
- Add New Vehicle Bid from Cappellino Chevrolet
- Add Approval to Plow Field for 4<sup>th</sup> of July
- Add Resolution for Town of Lockport Building Inspector Help

RESOLUTION 169-19

**APPROVAL OF MINUTES**

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

Ayes 4            Fischer, Graham, Leible, Ostrowski  
Nays 0  
Absent            Maerten

Resolved that the minutes of the Regular Meeting on May 13, 2019 be approved as submitted by the Town Clerk.

RESOLUTION 170-19

**APPROVAL OF MINUTES**

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

Ayes 4            Fischer, Graham, Leible, Ostrowski  
Nays 0  
Absent            Maerten

Resolved that the minutes of the Special Meeting on May 27, 2019 be approved as submitted by the Town Clerk. (Duplicate of RESOLUTION 146-19)

RESOLUTION 171-19

**AUTHORIZE PAYMENT OF ABSTRACT #12**

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

Ayes 4            Fischer, Graham, Leible, Ostrowski  
Nays 0  
Absent            Maerten

Resolved to approve Voucher Abstract #12 to be paid on June 26, 2019, for the following expenditures:

General Fund	\$	28,211.56
Highway	\$	73,890.40
Refuse & Garbage District	\$	38,465.64
Sewer	\$	1,803.48
Water District	\$	1,752.82
Total	\$	144,123.90

### Historical Society Presentation

Carol Moeller of the Pendleton Historical Society appeared before the Board to present information about the condition of the Historical Society's Log Cabin. The history of the agreement between the Town and the Historical Society was presented. Mrs. Moeller also explained that CRA Engineering visited the location in May of 2015 and provided the Town Board with several recommendations. She reported that the building is deteriorating and is unsafe. The Historical Society has tried numerous times to contact the Town's grant writer and has not received a response. Mrs. Moeller, on behalf of the Historical Society, is asking the Board to make a motion to allow the grant writer to work with them to find a solution for this problem.

Mr. Joe Kania also presented on behalf of the Pendleton Historical Society. He stated that they will be holding a fundraiser for the Historical Society and that Melissa DiLapo, the owner of the Castles of Pendleton, has offered to have it at her property. Mr. Kania asked permission to hold this event at this location and asked the Town Board to provide a Certificate of Insurance for this event because the Town holds the insurance for the Historical Society. A discussion occurred regarding this request. Councilman Graham replied that he would contact the Town's insurance broker before they make a decision.

#### RESOLUTION 172-19

##### **HISTORICAL SOCIETY GRANT ASSISTANCE REQUEST**

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

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

Resolved to ask Rotella Grant Management to look into the possibility of working with the Town of Pendleton Historical Society to identify potential funding necessary to facilitate a remedy to the current situation.

#### RESOLUTION 173-19

##### **2019 SUMMER RECREATION PROGRAM EMPLOYEES**

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

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

Resolved to accept the list of 24 hires and proposed pay rate for the Summer Recreation program, as provided by the Recreation Director.

### Dog Enumeration Discussion

Town Clerk Maurer explained to the Board that she is considering conducting a dog enumeration in the spring of 2020. She provided the Board with a brief explanation of what this process will entail and provided statistics of licensing fees throughout Niagara County. The dog enumeration process would help to ensure that all dogs are licensed and have current vaccinations. Clerk Maurer stated that she will be including the estimated costs of this project during budget time.

#### RESOLUTION 174-19

##### **PLANNING BOARD REQUEST**

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

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

Resolved to authorize Supervisor Maerten to submit a letter to the Planning Board requesting that they focus time and resources directed at review of any and all sections of the Town Code related to the placement of items roadside and property line setbacks of driveways with the intended outcome being recommendations of modifications and updates to the Town Code.

Cell Phone Request – Code Enforcement Officer

A brief discussion occurred regarding obtaining a cell phone for the Code Enforcement Officer. Councilman Leible directed the Highway Department to check on the availability of the retired Water/Sewer Superintendent's old phone.

RESOLUTION 175-19

**WAIVE FIREWORKS PERMIT FEE**

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

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

Resolved to waive the permit fee for the Fourth of July fireworks.

Councilman Leible reported to the Board that Basil Chevrolet rescinded their bid for the purchase of two 2019 Chevrolet Trax vehicles for the Town Hall [see RESOLUTION 166-19]. The Town now has three options to choose from: require Basil to honor the original bid, allow Basil to withdraw the bid upon providing a written explanation as to why the bid was in error, or allow Basil to withdraw the bid and award the contract to the next lowest responsible bidder. Town Attorney Claude Joerg abstained from any comments and/or recommendations to the Town Board due to the fact that the agent for bidder Cappellino Chevrolet is his brother.

RESOLUTION 176-19

**RESCIND RESOLUTION 166-19 – VEHICLE PURCHASE**

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

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

Resolved to rescind Resolution 166-19, adopted on June 10, 2019, for the low bid of \$18,289.60 per vehicle from Basil Chevrolet and accept the low bid of \$20,638.00 per vehicle from Cappellino Chevrolet for the purchase of two 2019 Chevrolet Trax vehicles for Town Hall.

RESOLUTION 177-19

**PLOWING OF FIELD FOR FIREWORKS**

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

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

Resolved to approve the plowing of the field for the Fourth of July fireworks.

RESOLUTION 178-19

**BUILDING DEPARTMENT ASSISTANCE**

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

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

Resolved to allow Brian Bilson, from the Town of Lockport Building Department, to assist our Building Department and approve Town of Pendleton building permits, by entering into an inter-municipal agreement with the Town of Lockport.

RESOLUTION 179-19

**WAIVE INSURANCE REQUIREMENT FOR BAND**

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

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

Resolved to waive the insurance requirement for the band Route 33 who will perform at the Fourth of July celebration.

RESOLUTION 180-19

**SKYDIVERS INSURANCE REQUIREMENT WAIVER**

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

ADOPTED: Ayes 4 Fischer, Graham, Leible, Ostrowski

Nays 0

Absent Maerten

Resolved to waive the insurance requirement for Frontier Skydivers contingent upon signed releases from the skydivers.

Additional Discussion

Attorney Joerg mentioned that he received a letter from Cypress Creek Renewables in the mail that was addressed to Governor Cuomo stating that the "Town of Pendleton is happy about the Solar Project ...". He is recommending that someone from the Town Board responds to this letter as it does not accurately represent the Town's position on this. He cited RESOLUTION 161-19 [Resolution Confirming that the Bear Ridge Solar Project Violates the Town of Pendleton Comprehensive Plan and Zoning Law] that states the opposite.

Motion made by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Work Session at 7:57 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk