

**TOWN OF PENDLETON**  
February 10, 2020

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 10<sup>th</sup> day of February 2020 at 7:00 p.m.

**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 Evchich	Present

**Also present:**

Deborah Maurer – Town Clerk  
Claude Joerg – Town Attorney  
Jim Chisholm – Town Assessor  
Ron Diedrich – Building Inspector  
Mark Walter – Deputy Supervisor  
Craig Walter – Deputy Highway Superintendent  
Rita Dispenza – Water Billing Clerk  
Wolfgang Buechler – ZBA Chairman

There were eight residents in attendance, eight of which were Starpoint students.

**ADDITIONS OR DELETIONS TO THE AGENDA**

The following revisions were made to the agenda:

- Add – Appoint Census Coordinator

**COMMUNICATIONS**

Town Clerk Maurer read a thank you card from Assemblymember Karen McMahon thanking the Town of Pendleton for volunteering as a drop-off site for the first annual Holiday Book Drive. She also reported that the group, A Hands Up Inc, thanked the town for donations made to the 2019 Peanut Butter and Jelly Drive. Mrs. Maurer continued by reading an excerpt from a letter received by resident Chris Guadagno, of Christian Victory Farms, that complimented several employees in the Town Hall and Highway Department for their “diligent work” and “excellent customer service”. She also read a note that was received online thanking the Town Garage staff for the great job they are doing keeping the roads in Pendleton clean. Finally, Supervisor Maerten read a letter that Town of Cambria Supervisor, Wright Ellis, sent to Governor Andrew M. Cuomo, regarding opposition to the Bear Ridge Solar Project.

**PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

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

**ROUTINE BUSINESS**

**RESOLUTION 66-20**

**AUTHORIZE PAYMENT OF ABSTRACT #3**

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

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

Resolved to authorize Abstract #3, Vouchers #11709 to #11768, to be paid on February 12, 2020:

General Fund	\$	27,450.14
Highway	\$	25,999.26
Sewer	\$	12,688.89

Refuse	\$	829.60
Water	\$	3,726.56
Total	\$	70,694.45

## OTHER REPORTS

**Supervisor Maerten** reported that tax collected in in December 2019 was \$191,811.64. This is a decrease of \$13,038.67 when compared with December 2018. The year to date received was \$1,731,657.58 which in an increase of \$33,356.43 from 2018.

**Councilman Leible** apologized for missing the January meeting and proceeded to thank Councilman Ostrowski for his service to the Town of Pendleton. He also welcomed newly elected Councilman Evchich to the Board. Councilman Leible reported that the newsletter articles are due on February 25<sup>th</sup> for the spring edition and read the Water/Sewer Department Monthly Report. He stated that in January, the Sewer Department had 14 regular and six overtime calls. The repaired issues from a lift station, rebuilt pumps, delivered recycle totes and assisted the Highway Department when needed. The Water Department completed 29 stakeouts, three fire hydrant repairs, two final reads and two water/sewer compliance inspections. They also continued to investigate potential leaks. Councilman Leible also read the 2019 yearly summary for the Water/Sewer Department which is on file in the Town Clerk's office.

**Councilman Fischer** spoke about the Wendelville Fire Company's Installation Dinner, held on February 1, 2020, stating that it was an excellent program enjoyed by all. He also reported that he met with the Insurance Services Office (ISO) representative at Wendelville and explained what he learned about the points system and process. He stated that he attended the Recreation Committee meeting in January reporting that they are looking into installing a kayak launch in the town. Councilman Fischer also reported that he completed the Water Billing Department audit.

**Councilman Graham** welcomed and introduced the new Assessor, Jim Chisholm, who was appointed at a Special Meeting held on February 3, 2020. Councilman Graham also spoke about the scholarship program offered to individuals interested in volunteering as firemen for the Wendelville Fire Company.

**Councilman Evchich** also welcomed Assessor Chisholm. He continued by reporting that he attended the Recreation Committee meeting as well and spoke briefly about the possible kayak launches. He then read the Highway Department's Monthly Report from January stating that they plowed and salted roads, repaired potholes and chipped brush. They also worked on equipment including the new tandem truck. They Highway Department also completed repairs on a bubbler and a driveway, cleaned ditches and checked the Bear Ridge Estates for drainage issues.

**Town Attorney Joerg** welcomed the new Assessor and complimented him on how quickly he is engaging with the other departments and acclimating to our town processes.

## DEPARTMENT HEADS

**Town Clerk Maurer** reported that her office has been very busy over the last month due to tax collection. As of this date 84% of the Town/County taxes have been received. She stated that she has paid the Town \$1,464,585.40 of the taxes due and has made an initial installment to the Niagara County Treasurer's Office in the amount of \$2,000,000.00. Mrs. Maurer also presented the Board with the Town Clerk's Monthly Report for January indicating that there has been an increase in dog licenses and renewals. She also reported that the total water and sewer payments received in the month of January was \$59,980.03, as reported by Water Billing Clerk Rita Dispenza. Finally, Mrs. Maurer informed the Board that the online payment process for water bills has been a success. She reported that 97 online payments were already processed since the implementation last month.

**Building Inspector/Code Enforcement Officer Diedrich** reported that in January, the Building Department issued 12 building permits and 16 contractor licenses. He noted that 41 building permits have been completed and that he and Code Enforcement Officer Follendorf have conducted 56 visual inspections of various projects. They also conducted six fire inspections. He stated that there are 19 open complaints and two residents have pending court cases.

**Assessor Chisholm** reported that he is working on getting through the piles of work in the Assessor's Office. He also complimented the Town Hall staff for keeping things up while the

office was vacant. Supervisor Maerten also expressed thanks to the staff for taking care of the Assessor's office during the vacancy.

**NEW BUSINESS**

**RESOLUTION 67-20**

**SCHEDULE PUBLIC HEARING**

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

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

Resolved to schedule a Public Hearing to allow public input on the transfer of funds, for the purchase of two 2020 Chevrolet Silverado 2500 HD regular cab pick-up trucks for the Highway Department, on March 9, 2020, at 6:55 p.m.

**RESOLUTION 68-20**

**PROCUREMENT POLICY**

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

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

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law; and

WHEREAS, the Town Board of the Town of Pendleton is tasked with annually reviewing, updating, and adopting a comprehensive procurement policy; and

WHEREAS, it has been identified that select changes to the previously adopted procurement policy are prudent; and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of February 2020 that the updated Procurement Policy that has been advertised for public review shall be adopted in its entirety.

**RESOLUTION 69-20**

**WATER LEAK DETECTION**

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

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

WHEREAS, the Town of Pendleton operates a water distribution system, servicing property owners within the Town as well as providing roadside sources of water for fire protection services; and

WHEREAS, it is incumbent upon the Town of Pendleton to properly maintain all components of the water distribution system, limiting losses and ensuring continuous and reliable service; and

WHEREAS, efforts to date have been unsuccessful in identifying sources of water loss and such water loss exceeds acceptable and anticipated levels, necessitating further investigation to identify sources of water loss; and

WHEREAS, it is necessary and prudent to retain the services of experts who have the knowledge, tools, and experience necessary for identification of sources of water loss; and

WHEREAS, the Town of Pendleton has received a proposal for services from New York Leak Detection and upon review the Town Engineer has recommended to the Town Board that acceptance of said proposal is in the Town's best interest; and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of February 2020:

- 1) The Town Board accepts the proposal for leak detection from New York Leak Detection (NYLD).
- 2) NYLD will conduct a comprehensive survey of the Town's water distribution system and will provide a written summary report upon completion of the work outlined in NYLD's proposal.
- 3) Upon completion of the outlined work NYLD will be compensated up to \$9,900.00.

- 4) This resolution shall take effect immediately upon approval by resolution of the Town Board.

**RESOLUTION 70-20**

**AGREEMENT WITH ROTELLA GRANT MANAGEMENT**

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

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

WHEREAS, the Town of Pendleton has, and continues to, benefit from resources available through a variety of grant funding opportunities available at the local, state, and federal level; and

WHEREAS, Rotella Grant Management has an established relationship with the Town of Pendleton, providing comprehensive services related to identifying funding opportunities, securing grant approval, and administration of all grant awards; and

WHEREAS, the Town will continue to benefit from the services of an experienced grant writer with professional staff who are familiar with the Town of Pendleton and its needs; and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of February 2020 that the Town of Pendleton will compensate Rotella Grant Management at a rate of \$1,200.00 per month for the 2020 calendar year for grant-related consultation, including but not limited to:

- 1) Identification of funding opportunities,
- 2) Grant writing, which generally includes preparation of all materials for submission of final grant applications,
- 3) Meetings and general communication with Town representatives,
- 4) Communication and coordination with representatives of grant-awarding agencies and organizations,
- 5) Grant administration, management, and mandatory reporting, and
- 6) Grant reimbursement.

Furthermore, this resolution shall take effect immediately upon approval by resolution of the Town Board.

VMware Support/Subscription Renewal

This item was removed from the agenda.

**RESOLUTION 71-20**

**KEYBANK PUMP STATION**

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

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

WHEREAS, the Town of Pendleton is responsible for the maintenance and upkeep of various select components of the sewer system that services parcels within the Town; and

WHEREAS, inspection has identified a need for expeditious scheduling of repairs to the pump station servicing the building known as KeyBank on South Transit Road, south of the intersection of Tonawanda Creek Road North and South Transit Road; and

WHEREAS, Koester Associates, Inc. is the sole source provider of repairs, maintenance, and upkeep of the equipment installed within this pump station; and

WHEREAS, the Town of Pendleton has received a proposal for services to address repairs to the KeyBank pump station, and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of February 2020:

- 1) The Town Board determines that Koester Associates, Inc. is accepted as the sole source provider for repair services of the equipment installed in the KeyBank pump station.
- 2) The Town Board accepts the proposal for repairs to the KeyBank pump station from Koester Associates, Inc. for \$22,853.00.
- 3) This resolution shall take effect immediately upon approval by resolution of the Town Board.

Water Department - Stock Items for Repairs and New Services

This item was removed from the agenda.

RESOLUTION 72-20

**CENSUS COORDINATOR**

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

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

Nays 0

WHEREAS, Article I, Section 2 of the United States Constitution mandates that the Decennial U.S. Census count of every resident in the United States takes place every ten years; and

WHEREAS, Title 13 of the United States Code governs Census Bureau activity and the mandated census shall take place during the 2020 calendar year; and

WHEREAS, the Town of Pendleton is mandated to participate in various aspects of the collection of census information, as directed by the U.S. Census Bureau; and

WHEREAS, the Town of Pendleton has created and budgeted for the position of Census Coordinator to lead all efforts related to conforming to all mandates of the U.S. Census Bureau on local municipalities; and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of February 2020:

- 1) The Town Board appoints James Chisholm as Census Coordinator for the calendar year 2020.
- 2) James Chisholm shall be compensated with a stipend of \$500.00 to be paid at the end of the calendar year and shall not be pro-rated should employment with the Town of Pendleton cease or be terminated before December 31, 2020.
- 3) The Town Clerk is directed to make notification to the U.S. Census Bureau as to the change of contact for the Town of Pendleton.
- 4) This resolution shall take place immediately.

**PUBLIC REMARKS/COMMENTS**

A resident questioned where the kayak launch will be located. Councilman Fischer stated that the location has not yet been determined. She also welcomed the new Assessor and asked if the position was a shared service with another municipality or a direct hire. Supervisor Maerten replied that he was a direct hire, not a shared service. The resident also asked for an update on the National Fuel Gas Compressor Station and was told that there is nothing new to report. She also complimented the Highway Department for doing a great job on the roads and indicated that she loves the option of paying her water bill online.

There were no other public remarks or comments.

**BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that a Work Session is scheduled for February 24, 2020 at 7:00 p.m.

Motion by Councilman Leible, seconded by Councilman Graham, to enter into an Executive Session with the Town Attorney and Deputy Town Supervisor, to discuss contract negotiations, at 7:41p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session and Regular Meeting at 8:10 p.m. Motion carried.