

TOWN OF PENDLETON
WORK SESSION
January 27, 2020

A Work Session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on January 27, 2020. The meeting was scheduled for 7:00 p.m.

Supervisor Maerten opened the meeting at 7:11 p.m.

Supervisor Maerten, Councilman Evchich, Councilman Fischer, Councilman Graham and Councilman Leible were present.

Also present:

Deborah Maurer – Town Clerk
Mark Walter – Deputy Supervisor
Dave Britton – Town Engineer
Ron Diedrich – Building Inspector/Code Enforcement Officer
Craig Walter – Deputy Highway Superintendent
Rita Dispenza – Water Billing Clerk

There were four residents in attendance.

RESOLUTION 47-20

APPROVAL OF MINUTES

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

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

Resolved to approve the following meeting minutes as presented by Town Clerk Maurer:

- Special Meeting – November 7, 2019
- Regular Meeting – November 11, 2019
- Work Session – November 25, 2019
- Special Meeting – December 4, 2019
- Regular Meeting – December 9, 2019
- Work Session – December 16, 2019
- Special Meeting – January 6, 2020
- Regular and Organizational Meeting – January 13, 2020

RESOLUTION 48-20

ABSTRACT #2

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 payment of Voucher Abstract #2, Vouchers #11647 - #11708, to be paid on January 29, 2020:

General Fund	\$	23,651.82
Highway	\$	563,260.82
Fire Protection	\$	330,090.29
Refuse	\$	38,491.77
Sewer	\$	176.43
Water	\$	2,507.66
Total	\$	958,178.79

Presentation of Photo

Town Clerk Maurer presented a framed photograph of the Pendleton Water Tower that was donated by former Councilwoman Aimee Jarvis and her husband, Jeffrey Jarvis.

RESOLUTION 49-20

RECREATION COMMITTEE APPOINTMENT

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

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

Resolved to appoint Joseph Millazo to the Recreation Committee for a five-year term.

RESOLUTION 50-20

CONSERVATION ADVISORY COUNCIL APPOINTMENT

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

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

Nays 0

Resolved to appoint Tobias Frommuller to the Conservation Advisory Council for a one-year term.

RESOLUTION 51-20

AUTHORIZE TRANSFER FROM DA200.2 TO DA5130.02

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 transfer of \$216,000.00 from Highway Equipment Reserve (DA200.2) to Machinery Fixed Assets (DA5130.02) for the purchase of a 2020 Western Star 4700 truck, a 2019 Everest Plow and a truck radio.

RESOLUTION 52-20

HOME RULE REQUEST – MAPLETON ROAD

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

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

Nays 0

WHEREAS it is the duty of the Town Board of the Town of Pendleton to be proactive in identifying and addressing matters related to the safe travel of vehicles on roads located within the Town; and

WHEREAS concerns related to the speed and volume of traffic on Mapleton Road between the intersections of Campbell Boulevard and Townline Road have been conveyed to and received by the Town Board; and

WHEREAS appropriate requests for the evaluation of the posted speed limit on Mapleton Road have been submitted by resolution of the Town Board to the Niagara County Legislature and New York State Department of Transportation and subsequent evaluation has not provided the Town Board with the ability to modify such posted speed limits; and

WHEREAS further action to modify the posted speed limit by the Town Board of the Town of Pendleton may only result from approval of a home rule request by the New York State Senate and Assembly;

THEREFORE, BE IT RESOLVED that the Town Board formally requests home rule powers to modify, as necessary, the posted speed limit on any or all sections of Mapleton Road between the intersections of Campbell Boulevard and Townline Road.

Wheelchair Accessible Bathroom Update

Councilman Evchich provided an update on the construction of the wheelchair accessible bathroom. He noted that project started at the end of 2018 when Senator Ortt agreed to a \$97,000.00 grant. Of that \$97,000.00, \$25,000.00 went towards the addition to the playground leaving the balance to be put towards this bathroom upgrade. He also commented that Masons Mission's website receives messages regarding the need for the upgrade. Councilman Evchich presented the Board with blueprints and plans and provided a detailed explanation of the project. He expressed that he has some concerns about the timing required to complete this project by July 4th noting that it will take 4-6 weeks to ship and approximately one month to construct. There was a discussion about whether the Highway Department can construct it or if they will need to hire from the outside. He stated that he will discuss with Highway and Water/Sewer Superintendent Stowell. Councilman Evchich also presented a diagram of a proposed water park for the town.

Supervisor Maerten began a discussion with Deputy Highway Superintendent Walter regarding the purchase of two new trucks for the Highway Department. A lengthy discussion

occurred between Mr. Walter and the Board members regarding the necessity to replace trucks #2 and #11. Mr. Walter provided three written quotes for the purchase of these vehicles:

Cappellino Chevrolet	\$30,907.60/vehicle
West Herr Chevrolet	\$32,856.46/vehicle
Heinrich Chevrolet	\$33,600.00/vehicle

RESOLUTION 53-20

HIGHWAY PICK-UP TRUCKS

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

ADOPTED: Ayes 4 Maerten, Evchich, Fischer, Leible
Nays 1 Graham

Resolved to purchase two 2020 Chevrolet Silverado 2500 HD regular cab pick-up trucks, from Cappellino Chevrolet, for a total low bid price of \$61,815.20.

RESOLUTION 54-20

PENDALE PUMP STATION

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

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

Resolved to approve the updating of the Pendale Pump Station, by Koester Associates, as "original equipment replacement parts/service", at a price of \$37,842.89.

RESOLUTION 55-20

ARMORED ACCESS INVOICE

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

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

WHEREAS all departments and operations of the Town of Pendleton are reliant upon the Town's data network for the efficient, timely, and lawful performance of all duties and functions; and

WHEREAS it was determined that the Town's data network was not secure during network repair and upgrades by the Town's information technology contractor, Niagara County Information Technology Department; and

WHEREAS it was deemed that knowingly operating a non-secure network posed a dangerous situation to Town operations and the residents served by the Town, therefore presenting an emergency situation; and

WHEREAS such an emergency situation is outlined within the Town's adopted Procurement Policy, whereby the solicitation of multiple requests for proposals is not possible in a timely manner nor required;

THEREFORE, BE IT RESOLVED that work performed by Armored Access Inc. was performed in an emergency situation to rectify network security issues and the payment of \$7,722.00 without solicitation of multiple requests for proposal was prudent and the amount shall be paid under the outlined circumstances.

RESOLUTION 56-20

PROCUREMENT OF ROAD SALT

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

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

WHEREAS winter road maintenance is an essential duty of the Town of Pendleton Highway Department; and

WHEREAS rock salt is an essential material used in the performance of winter road maintenance; and

WHEREAS the Town of Pendleton may procure rock salt from American Rock Salt Company LLC at a price set by the New York State Office of General Services – Procurement Services;

THEREFORE, BE IT RESOLVED that Highway Department may procure during the 2020 budget year up to the estimated amount of 2640 tons of rock salt from American Rock Salt Company LLC at the price set by the New York State Office of General Services – Procurement Services.

RESOLUTION 57-20

KOESTER SERVICE AGREEMENT

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

Resolved to accept the semi-annual maintenance agreement with Koester Associates, for the Pendle and KeyBank Pump Stations, as presented.

Purchase of Stock Items for Water Department

This item was removed from the agenda.

RESOLUTION 58-20

PURCHASE OF WATER FROM NEIGHBORING TOWNS

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 Water Department provides water service to all properties located within the Town's borders; and

WHEREAS it is necessary for the Town of Pendleton to purchase water from the Towns of Cambria, Lockport, and Wheatfield for water supply for select properties serviced by the Town; and

WHEREAS quarterly expenditures for the purchase of water from neighboring towns may require approval by the Town Board per the Town's procurement policy adopted January 13, 2020;

THEREFORE, BE IT RESOLVED that the Water Superintendent or Deputy Water Superintendent may submit vouchers for payment of invoices for water supplied by the Towns of Cambria, Lockport, and Wheatfield without delay for approval of the Town Board for the 2020 budget year and such payment issued with the next payment cycle.

Next, Deputy Highway Superintendent Walter provided three written quotes for the purchase of a slide-in dump body insert for a pick-up truck:

Niagara Truck Equipment	\$4,650.00
Cappellino Chevrolet	\$4,771.00
Heinrich Chevrolet	\$4,780.00

A discussion occurred regarding the installation of this dump body.

RESOLUTION 59-20

SLIDE-IN DUMP BODY FOR PICK-UP

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

Resolved to approve the purchase of one dump body insert for \$4,650.00 from Niagara Truck Equipment.

RESOLUTION 60-20

PURCHASE OF WATER FROM NIAGARA COUNTY

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 Water Department provides water service to all properties located within the Town's borders; and

WHEREAS it is necessary for the Town of Pendleton to purchase water from the Niagara County Water District; and

WHEREAS invoices for the purchase of water from the Niagara County Water District may require approval by the Town Board per the Town's procurement policy adopted January 13, 2020;

THEREFORE, BE IT RESOLVED that the Water Superintendent or Deputy Water Superintendent may submit vouchers for payment of invoices for water purchased from the Niagara County Water District without delay for approval of the Town Board for the 2020 budget year and such payment issued with the next payment cycle.

RESOLUTION 61-20

STORMWATER DISTRICT FOR THE MEADOWS AT PENDLETON NORTH SUBDIVISION

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

Resolved to establish a Stormwater District for The Meadows at Pendleton North Subdivision as outlined during the Public Hearing that was held on November 11, 2019.

RESOLUTION 62-20

COURT AUDIT - JUSTICE MAZIARZ

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

Resolved and acknowledged that the audit for the year of 2019, for the Honorable Judge Maziarz, has been conducted, the records have been found in good order and that audits are on file in the Town Clerk's Office.

RESOLUTION 63-20

COURT AUDIT - JUSTICE MACK

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

Resolved and acknowledged that the audit for the year of 2019, for the Honorable Judge Mack, has been conducted, the records have been found in good order and that audits are on file in the Town Clerk's Office.

Town Clerk Maurer provided a brief update on the status of the server migration.

RESOLUTION 64-20

TOWN CLERK AND TAX COLLECTOR AUDIT

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

Resolved to accept the results of the audits of the Town Clerk and Tax Collector as presented by Councilman Evchich.

Additional Discussion

Councilman Fischer announced that he will be conducting the Water/Sewer Audit on Thursday, January 30th.

Councilman Leible requested that the Procurement Policy be updated again to accommodate the needs of the Highway and Water/Sewer Department as it relates to parts and/or service for emergency situations. Supervisor Maerten will revise the policy and present it at the next Regular Meeting.

Engineer Britton provided updates on the Dormitory Authority of the State of New York (DASNY) money for the generator and salt storage facilities and the status of the proposed updates to the Town Code. A very lengthy discussion also occurred regarding a New York Leak Detection survey conducted four months ago. Engineer Britton will be providing a proposal for an “unallocated water” audit due to the results of that survey.

Supervisor Maerten announced that a Regular Meeting will be held on Monday, February 10, 2020 at 7:00 p.m.

Public Remarks/Comments

A resident asked questions about the park bathrooms and commented on the appointment of the new member of the Conservation Advisory Council.

Motion made by Councilman Fischer, seconded by Councilman Leible, to enter into an Executive Session to discuss personnel issues in the Highway Department, inviting Deputy Supervisor Walter, at 8:33 p.m. Motion carried.

Motion made by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session and Work Session at 8:55 p.m. Motion carried.

Deborah K. Maurer, Town Clerk