

**TOWN OF PENDLETON**

March 9, 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 9<sup>th</sup> day of March 2020 at 7:00 p.m.

**PUBLIC HEARING**

**PUBLIC HEARING – TRANSFER OF FUNDS FROM HIGHWAY EQUIPMENT RESERVE**

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on March 2, 2020 and on the Town’s website.

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

The purpose of the hearing is to allow public input on the proposed transfer of \$67,471.20 from Highway Equipment Reserve (DA200.2) to Machinery Fixed Assets (DA5130.02), for the purchase of two 2020 Chevrolet Silverado 2500 HD regular cab pick-up trucks and a slide-in dump body insert.

There were no questions.

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 7:00 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  
Dave Britton – Town Engineer  
Don Bergman – Budget Officer  
Stephanie Chase – Deputy Town Clerk  
Rita Dispenza – Water Billing Clerk  
Wolfgang Buechler – ZBA Chairman

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

**ADDITIONS OR DELETIONS TO THE AGENDA**

The following revisions were made to the agenda:

- Add – Executive Session

**COMMUNICATIONS**

Supervisor Maerten read a letter that City of Lockport Mayor, Michelle Roman, sent to the Niagara River Greenway Commission in February. The intention of the letter was to serve as the City of Lockport’s intent to continue extending the Pendleton/Lockport Trolley Trail (aka

Lockport Rail Trail) to the northeast until a connection with the Erie Canalway Trail/Empire State Trail is completed. Supervisor Maerten also read a letter sent to the Niagara River Greenway Commission by City of North Tonawanda Mayor Arthur Pappas. His letter expressed support for the extension of the bicycle trail through the Town of Pendleton citing that it has the potential to connect the City of Lockport with the City of North Tonawanda and the rest of the regional trail system.

### **PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

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

### **ROUTINE BUSINESS**

RESOLUTION 78-20

#### **APPROVAL OF MINUTES**

Motion by Councilman Leible, seconded by Councilman Graham, 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:

- Work Session – December 23, 2019
- Work Session – February 24, 2020

RESOLUTION 79-20

#### **ABSTRACT #5**

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

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

Resolved to authorize payment of Voucher Abstract #5, Vouchers #11822 - #11882, to be paid on March 11, 2020:

General Fund	\$	61,950.30
Highway	\$	32,710.81
Sewer	\$	4,515.74
Refuse	\$	938.30
Water	\$	5,879.50
Trust & Agency	\$	4,968.00
Total	\$	110,962.66

### **OTHER REPORTS**

**Supervisor Maerten** reported that tax collected in in January 2020 was \$141,180.84. This is an increase of \$16,822.36 when compared with January 2019. The year to date received was \$141,180.84. This is an increase of \$16,822.36 from 2019.

**Councilman Leible** stated that he is in the process of securing bids for fireworks for the July 4<sup>th</sup> celebration. He also thanked everyone for turning their newsletter articles in on time. Councilman Leible also read the Water/Sewer Department for the month of February. During the month, the Sewer Department had 10 regular and five overtime sewer calls. They repaired one sewer break, rebuilt pumps, continued to work on issues at the KeyBank lift station and assisted the Highway Department as needed. During February, the Water Department repaired a water main break on Campbell Boulevard, completed four final reads, six water/sewer compliance inspections, an open trench inspection and 28 stakeouts. Some departmental staff also attended a conference.

**Councilman Fischer** read the Highway Department report. In February, the Highway Department plowed, salted, patched potholes, and repaired equipment as needed. They also continued to brush hog and clean roadside ditches. Additionally, all CDL drivers continued their cross training. Councilman Fischer also reported that he recently met with the Niagara County Center for Economic Development to discuss the possibility of receiving a grant from the William G. Mayne, Jr. Business/Community Enhancement Program. He is hoping to secure funding from the program for the Town and potentially use it for a new gazebo in the park.

**Councilman Graham** reported that the Niagara County road repair project for Tonawanda Creek Road should begin shortly. He has noticed that they have begun surveying the road.

**Councilman Evchich** stated that he is still working with Senator Robert Ortt on the grant for the new bathroom in the park. He has also met with Highway and Water/Sewer Superintendent Stowell and Deputy Highway Superintendent Walter to find out what he can do to help make the department run better. He is still waiting for their report.

**Town Attorney Joerg** reported that Niagara County recently passed a resolution opting out of Section 487 of the New York Real Property Law that provides tax exemptions for solar or wind energy projects.

**Engineer Britton** informed the Board that the Public Improvement Permit (PIP) applications for The Meadows at Pendleton North subdivision should be submitted soon.

**Budget Office Bergman** explained that the accountants from Lumsden and McCormick, LLC are here to complete our year-end financial statement for the State.

## **DEPARTMENT HEADS**

**Town Clerk Maurer** provided the Board with the monthly Town Clerk, Water/Sewer billing, and Tax Collection reports. She stated that 92% of the taxes have been collected. The last day to pay taxes in the Town is Tuesday, March 31<sup>st</sup>. Mrs. Maurer also gave an update on the upcoming Citizen Preparedness Training Event that will be held at Wendelville Fire Company on Wednesday, April 22, 2020. As of last week there are already 91 people registered.

**Building Inspector/Code Enforcement Officer Diedrich** provided the Board with an update on the Building Department's statistics for the month of February. During the month they issued 12 building permits and eight contractor licenses. Visual inspections were conducted for various projects and 15 building permits have been completed. The department also conducted two fire inspections, sent three violations and a stop work order. There are 18 open complaints and one resident is in court with a pending case. Mr. Diedrich also reported that both he and Code Enforcement Officer Joe Follendorf have only one more class left to complete their training.

**Assessor Chisholm** thanked members of the Town Hall staff Rita Dispenza, Stephanie Chase, Noreen Lemma, Debbie Maurer and Kim Frey for their extra efforts these past months. He stated that because of these employees he was able to achieve a 100% return rate on the Aged and Agricultural exemptions. He has also completed the four months' worth of sales reports that were piling up. Mr. Chisholm expressed that his is very glad to be a part of this team. Finally, he informed the Board that he has accepted a part-time Assessor position with the Town of Elma in addition to working for the Town of Pendleton. He is still working out his schedule between the two municipalities. Supervisor Maerten expressed the same gratitude to the staff for their efforts in keeping the Assessor's office going during the transition period.

## **NEW BUSINESS**

RESOLUTION 80-20

### **VIETNAM WAR VETERANS DAY**

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

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

WHEREAS, the United States of America Vietnam War Commemoration defines a Vietnam War period veteran as all U.S. Armed Forces personnel with active duty service between November 1, 1955 to May 15, 1975, regardless of location of service; and

WHEREAS, nine million Americans served during the Vietnam War period, including 2.7 million U.S. service personnel who served in Vietnam, of which 58,220 were Killed in Action, 304,000 were wounded, 1,253 are listed as Missing in Action, and 2,500 were held as Prisoners of War; and

WHEREAS, many current and former residents of the Town of Pendleton served during the Vietnam War period, including SP4 Timothy J. Monkelbaan who made the ultimate sacrifice during his deployment; and

WHEREAS, The Vietnam War Veterans Recognition Act of 2017 established that National Vietnam War Veterans Day shall be observed each year on March 29<sup>th</sup>.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9<sup>th</sup> day of March 2020, that March 29, 2020 shall be declared Vietnam War Veterans Day in honor of all former and current residents who are Vietnam War period veterans and all residents are urged to be cognizant of the sacrifices of all veterans and take any steps possible to recognize the sacrifices of our country's Vietnam War period veterans.

#### RESOLUTION 81-20

#### **PAID HOLIDAYS FOR PART-TIME EMPLOYEES**

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

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

WHEREAS, the Town of Pendleton employs full and part-time employees, staffing departments in the Town Hall and Public Works Garage (including Highway, Water, and Sewer Department employees); and

WHEREAS, employees currently not employed in a full-time position do not receive any type of paid holidays, vacation, or other compensated paid time off; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town of Pendleton and its dedicated workforce to adopt a policy whereby employees not employed in a full-time position may receive compensation for Federal and New York State holidays if they meet the conditions outlined below;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9<sup>th</sup> day of March 2020 that part-time employees shall receive compensation for official holidays upon the following conditions:

- 1) The employee has worked for (13) thirteen consecutive pay periods prior to an official holiday.
- 2) Paid holidays shall be awarded for the period of January 1<sup>st</sup> to June 30<sup>th</sup> of a calendar year provided the employee averaged (32) thirty-two hours of work per week during the six-month interval of July 1<sup>st</sup> to December 31<sup>st</sup> of the previous calendar year.
- 3) Paid holidays shall be awarded for the period of July 1<sup>st</sup> to December 31<sup>st</sup> of a calendar year provided the employee averaged (32) thirty-two hours of work per week during the six-month interval of January 1<sup>st</sup> to June 30<sup>th</sup> the same calendar year.
- 4) An employee will be allowed compensation for an official holiday provided the holiday falls on a day on which the employee would typically work. An employee will be considered to typically work on the day of the week of a given holiday provided the employee worked at least half of that specific day of the week during the interval outlined in #2 or #3 above.
- 5) The number of hours paid for a holiday shall be based on the average number of hours worked by the employee on the day of the week on which the holiday falls during the previous (6) six-month interval outlined in #2 and #3 above and shall not exceed (8) eight hours.
- 6) Paid holiday parameters provided by this resolution do not apply to any employee covered by a collective bargaining agreement.
- 7) Official holidays explicitly include the following:
  - a) New Year's Day
  - b) Martin Luther King Jr. Day
  - c) President's Day
  - d) Good Friday
  - e) Memorial Day
  - f) Independence Day
  - g) Labor Day
  - h) Columbus Day
  - i) Election Day

- j) Veterans' Day
  - k) Thanksgiving Day
  - l) Day After Thanksgiving
  - m) Christmas Day
- 8) This resolution shall take place immediately.

**RESOLUTION 82-20**

**TRANSFER OF FUNDS FROM HIGHWAY EQUIPMENT RESERVE**

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

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

WHEREAS, the Town Board of the Town of Pendleton solicited bids on specifications written for the acquisition of light duty trucks for use by the Highway Department; and

WHEREAS, the Town Board accepted the lowest bid and authorized by resolution on January 27, 2020 the purchase of two 2020 Chevrolet Silverado 2500 HD regular cab pick-up trucks from Cappellino Chevrolet, for a total low bid price of \$61,815.20; and

WHEREAS, a public hearing was publicized and held on March 9, 2020 at 6:55 PM for public comment on the transfer of funds from Highway Equipment Reserve to Machinery Fixed Assets for payment of the invoice resulting from the approved purchase;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9<sup>th</sup> day of March 2020 that the transfer of \$61,815.20 from Highway Equipment Reserve (DA200.2) to Machinery Fixed Assets (DA5130.20) is authorized and may be effected at the time necessary for proper payment.

**RESOLUTION 83-20**

**DESIGNATION OF SOLE SOURCE PROVIDERS OF PUMP REPAIR SERVICE**

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 operates and maintains a local sewer system for the collection and transmission of waste materials from connections located in the Town; and

WHEREAS, the Town of Pendleton sewer system collection point at each connection to the sewer system's pressure line system is serviced by an electric grinder pumps; and

WHEREAS, maintenance and repair of the pressure system pumps is at times necessary by vendors authorized to perform work on pumps purchased from select manufacturers;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9<sup>th</sup> day of March 2020 that the following vendors shall be designated as sole source providers of pump repair service as identified by the Deputy Water & Sewer Superintendent:

- 1) Pumps manufactured by E/One are authorized for maintenance and service by Siewert Equipment located at 2829 Wehrle Drive, Williamsville and 175 Akron Street, Rochester, NY.
- 2) Pumps manufacturer by Meyers Pump are authorized for maintenance and service by Fluid Kinetics located at 251 Thorn Avenue, Orchard Park, NY.

**RESOLUTION 84-20**

**PURCHASE OF MYERS GRINDER PUMP SYSTEM**

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

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

WHEREAS, the Town of Pendleton operates and maintains a local sewer system for the collection and transmission of waste materials from connections located in the Town; and

WHEREAS, Town of Pendleton properties connected to the pressure system must be serviced by a grinder pump system compatible with the Town's system, with the model of Myers Pump used to be dictated at the discretion of the Water/Sewer Superintendent or Deputy Water/Sewer Superintendent; and

WHEREAS, the Town of Pendleton has approved Fluid Kinetics, located at 251 Thorn Avenue, Orchard Park, NY, as a sole source supplier of Myers Pumps by resolution on March 9, 2020;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9<sup>th</sup> day of March 2020 that the Deputy Water/Sewer Superintendent is authorized to purchase grinder pump systems under the following conditions:

- 1) Myers Pump systems shall be installed in all new connections and replacement conditions necessitating a new pump system.
- 2) All purchases of Myers Pump systems shall be from Fluid Kinetics.
- 3) Purchases are authorized only when the property owner(s) or a representative of the property owner(s) reimburses the Town for full cost of the equipment.
- 4) This resolution shall take effect immediately.

**RESOLUTION 85-20**

**SEWER PARTS FOR NEW SERVICES AND REPAIRS**

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's currently adopted procurement policy states that material purchases between \$3,000.00 and \$10,000.00 require three quotes and approval of the Town Board; and

WHEREAS, the Deputy Water & Sewer Superintendent did solicit quotes from three vendors for the acquisition of parts for maintenance of the various components of the Town's sewer system; and

WHEREAS, the three quotes for equivalent parts and quantities are as follows:

- 1) Blair Supply - \$3,067.50
- 2) Core & Main - \$3,142.34
- 3) Lock City Supply - \$3,287.96

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9<sup>th</sup> day of March 2020 that the Deputy Water & Sewer Superintendent is authorized to finalize the purchase of parts quoted from Blair Supply at a cost not to exceed \$3,067.50.

**RESOLUTION 86-20**

**SURPLUS OBSOLETE EQUIPMENT**

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

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

Resolved to declare as surplus the following obsolete equipment:

- 1) 15 E/One pumps
- 2) Scrap steel
- 3) Scrap wire

**RESOLUTION 87-20**

**WENDELVILLE FIRE COMPANY - NEW MEMBERS**

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

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

WHEREAS, the Wendelville Fire Company, Inc. is the sole provider of fire, rescue, and emergency medical first response in the Town of Pendleton; and

WHEREAS, the Wendelville Fire Company has established procedures for the recruitment, application, and vetting of prospective new members; and

WHEREAS, the Secretary of the Wendelville Fire Company communicated to the Town Clerk of the Town of Pendleton the names of prospective new members who were accepted by a majority vote of the fire company membership at their regular meeting on March 5, 2020;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9<sup>th</sup> day of March 2020 that the following individuals shall be accepted as new members of the Wendelville Fire Company, Inc. effective immediately:

- 1) Thomas V. Braunscheidel
- 2) Justin A. Braunscheidel
- 3) Paige K. Keelty
- 4) Jessica L. Sattelberg

**RESOLUTION 88-20**

**ACCEPT RESIGNATION OF COURT CLERK**

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

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

Nays 0

WHEREAS, Chelsea Collett has worked diligently and professionally as Court Clerk for the Honorable Justice Kevin Mack; and

WHEREAS, a letter of resignation was received from Mrs. Collett stating she will be leaving her current position for other opportunities with her last regular day of work being March 27, 2020; and

WHEREAS, it is in the best interest of the Town of Pendleton to continue Mrs. Collett's work with the courts on a per diem basis assisting with training Justice Mack's new Court Clerk;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9<sup>th</sup> day of March 2020:

- 1) The resignation letter submitted by Chelsea Collett shall be accepted.
- 2) Chelsea Collett's last regular day of employment shall be March 27, 2020.
- 3) The Town Court is authorized to schedule Mrs. Collett on a per diem basis for training through April 30, 2020 with payment based on her current hourly rate of compensation.
- 4) This resolution shall take effect immediately.

**RESOLUTION 89-20**

**APPOINTMENT OF NEW COURT CLERK**

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

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

Nays 0

WHEREAS, the position of Court Clerk for the Honorable Justice Kevin Mack has been declared vacant by the acceptance of a letter of resignation from the position's previous incumbent; and

WHEREAS, Justice Mack is solely responsible for recruiting, interviewing, and vetting applicants to fill the vacant position of Court Clerk; and

WHEREAS, the Honorable Justice Kevin Mack has communicated with the Town Board a recommendation to fill the vacant position;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9<sup>th</sup> day of March 2020:

- 1) James R. Rotella shall be appointed Court Clerk for the Honorable Justice Kevin Mack.
- 2) The compensation rate for James R. Rotella shall be set at \$16.00 per hour to be paid biweekly as per the Town's payroll processing schedule.
- 3) The position of Court Clerk is a part-time position and the incumbent is not entitled to any form of benefits beyond the accepted hourly compensation rate.
- 4) This resolution shall take effect immediately.

**PUBLIC REMARKS/COMMENTS**

There were no public remarks or comments.

**BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that a Work Session is scheduled for March 23, 2020 at 7:00 p.m. and the next Regular Meeting will be on April 13, 2020 at 7:00 p.m.

Motion by Councilman Fischer, seconded by Councilman Evchich, to enter into an Executive Session with the Town Attorney and Deputy Supervisor to discuss personnel issues in the Water/Sewer Department, at 7:30 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session and Regular Meeting at 7:55 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk