

**TOWN OF PENDLETON**  
**REGULAR MEETING**  
April 27, 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 27th day of April 2020 at 7:00 p.m. The meeting was held in place of a meeting originally scheduled for April 13, 2020 which was postponed due to the COVID-19 pandemic. Pursuant to Governor Cuomo's Executive Order 202.1, temporarily modifying the Open Meetings Law due to the COVID-19 pandemic and in the interest of public safety, the meeting was not open to the public. The agenda and related documents were posted online and public remarks and comments were accepted until 6:00 p.m. on the night of the meeting. The audio recording of the meeting is posted on the town's website. Requests for copies of the transcribed meeting should be made to the Town Clerk.

Supervisor Maerten called the meeting to order at 7:10 p.m.

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  
Mark Walter – Deputy Supervisor

There were no residents in attendance pursuant to Governor Cuomo's Executive Order 202.1.

A moment of silence was observed for those who have lost their fight with COVID-19 including Town Constable Patrick Williams' father, Salvadore N. Leone.

**ADDITIONS OR DELETIONS TO THE AGENDA**

There were no additions or deletions made to the agenda.

**COMMUNICATIONS**

Town Clerk Maurer read a letter from the Pendleton Farm & Home Days event chairpeople explaining that this year's event will have to be postponed due to the COVID-19 pandemic. They stated that it was a hard decision to make but recognized that this decision would be in the best interest of the community and local businesses during this difficult time.

**PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

There were no public remarks or comments on the agenda items submitted prior to the meeting.

**ROUTINE BUSINESS**

RESOLUTION 90-20

**APPROVAL OF MINUTES**

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

Resolved to approve the meeting minutes for the Regular Meeting held on March 9, 2020, as presented by Town Clerk Maurer.

RESOLUTION 91-20

**ABSTRACT #6**

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

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

Resolved to authorize payment of Voucher Abstract #6, Vouchers #11883 to #11948, that was paid on March 25, 2020:

General Fund	\$	32,008.64
Highway	\$	12,945.71
Sewer	\$	6,938.27
Refuse	\$	39,255.26
Water	\$	657.52
Total	\$	91,805.40

RESOLUTION 92-20

**ABSTRACT #7**

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

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

Resolved to authorize payment of Voucher Abstract #7, Vouchers #11949 to #12008, that was paid on April 15, 2020:

General Fund	\$	30,686.62
Highway	\$	11,712.16
Sewer	\$	9,431.34
Refuse	\$	1,108.00
Water	\$	54,984.26
Fire Protection	\$	164,725.00
Total	\$	272,647.38

RESOLUTION 93-20

**ABSTRACT #8**

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

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

Resolved to authorize payment of Voucher Abstract #8, Vouchers #12009 to #12050, to be paid on April 29, 2020:

General Fund	\$	12,183.86
Highway	\$	64,772.41
Sewer	\$	3,449.34
Refuse	\$	39,255.26
Water	\$	3,297.30
Fire Protection	\$	2,889.00
Trust & Agency	\$	1,000.00
Total	\$	126,847.17

**OTHER REPORTS**

**Supervisor Maerten** reported that tax collected in February 2020 was \$116,545.48. This is an increase of \$7,584.11 when compared with February 2019. The year to date received was \$257,726.32 which is an increase of \$24,406.47 from 2019.

Supervisor Maerten also commented on the fact that the sales tax collection reports lag by a couple of months. He expects to see a drastic decrease in the amount of sales tax received and other forms of revenue due to the COVID-19 pandemic. He stated that the Town is taking steps to identify ways to cut expenses and reduce spending at this time.

**Councilman Leible** requested that we advertise for the Wendelville Sportsmen Raffle on the electronic bulletin board in front of Town Hall. The event will be held live on Facebook on May 9<sup>th</sup>.

**Councilman Fischer** had nothing to report.

**Councilman Graham** had nothing to report.

**Councilman Evchich** thanked Supervisor Maerten for his leadership and decision making during this time.

**Town Attorney Joerg** had nothing to report.

## **DEPARTMENT HEADS**

**Town Clerk Maurer** reported that monthly reports were submitted and posted online from the following departments:

- Highway
- Water/Sewer
- Building
- Assessor
- Town Engineer
- Water Billing Clerk
- Town Clerk/Tax Collection

She also reported that tax collection for 2020 has been completed and all monies have been turned over to the Town and County.

## **NEW BUSINESS**

RESOLUTION 94-20

### **ACCEPTANCE OF QUOTES FOR ELECTRICAL SERVICE REPAIR**

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, maintenance, repairs, and upgrades to the Town's system are continuously necessary to ensure proper operation of the sewer system; and

WHEREAS, damage did occur to the underground electrical supply line to a private property as an unanticipated result of a specific and necessary sewer system project for maintenance, repair, or upgrade;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of April 2020 that the lowest bid received for the repair to the damaged electrical service shall be accepted from quotes received as follows:

- 1) Heim Electric, 1620 Dodge Road, East Amherst, NY  
Quoted price: \$4,850.00
- 2) Anzalone Electric, PO Box 309, Lockport, NY  
Quoted price: \$2,695.00
- 3) Unable to obtain third quote within reasonable time.

This resolution shall take effect immediately.

RESOLUTION 95-20

### **PENDALE ENTRANCE SIGNAGE**

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

ADOPTED: Ayes 4 Maerten, Evchich, Fischer, Leible  
Nays 0

Abstained 1 Graham

WHEREAS, the residents of the Town of Pendleton take great pride in their community in all aspects; and

WHEREAS, the conscientious residents of the Pendale neighborhood have approached the Town Board regarding placement of signage with landscaping on Town-owned property at the entrance to the Pendale area; and

WHEREAS, the residents have committed to bearing full responsibility for the cost of construction and placement of the new signage and landscaping;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of April 2020 that placement of new signage and landscaping at the entrance to the Pendale neighborhood shall be authorized as follows:

- 1) Representatives of the Pendale community are authorized to place an entrance sign with landscaping on Town property and the Town of Pendleton will assume ownership of the signage and signage components.
- 2) The Town makes no commitment to maintenance and replacement of the sign and sign components due to damage or degradation.
- 3) The Town makes no commitment to maintenance and replacement of any landscaping components.
- 4) Any contractor or vendor involved in the construction and placement of signage, signage components, and landscaping shall be properly licensed and insured.
- 5) The Town of Pendleton shall make payment for fabrication of the sign with reimbursement for the exact cost of \$2,050.00 made prior to release of such payment.
- 6) Work on this project is authorized to begin immediately.

This resolution shall take effect immediately.

#### RESOLUTION 96-20

#### **MULTI-USE PATH**

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 owns and maintains various properties that include parks, trails, and other recreational spaces; and

WHEREAS, our community has been dramatically affected by our country's and state's response to the COVID-19 pandemic; and

WHEREAS, usage of all recreational areas has increased significantly during this time, causing a variety of concerns for safety and health, and a multitude of residents of the Town of Pendleton have conveyed such concerns to the Town Board; and

WHEREAS, the Town Board is compelled to make short-term modifications to rules and regulations outlining acceptable activities on Town of Pendleton-owned property, affording leaders time and opportunity to develop long-term solutions for future action to address residents' concerns;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of April 2020 that public use of Town-owned property shall be regulated as follows:

- 1) A motor vehicle shall be defined as outlined in New York State Vehicle and Traffic Law.
- 2) An all-terrain vehicle shall be defined as outlined in New York State Vehicle and Traffic Law.
- 3) All motor vehicles and all-terrain vehicles are prohibited from operation on all Town of Pendleton-owned properties until July 1, 2020.
- 4) The Highway Superintendent and Deputy Highway Superintendent are directed to place appropriate signage at all road crossing of Town of Pendleton-owned trails outlining the prohibition of motor vehicles and all-terrain vehicles as outlined in #3 above.
- 5) The Town Supervisor is hereby directed to send the included letter from the Town Board to the Highway Superintendent, directing immediate activities to address concerns related to the Town's trail system.
- 6) Law enforcement and emergency services agencies are exempt from this prohibition.
- 7) The Town Supervisor is hereby authorized to discontinue this prohibition prior to July 1, 2020 should it be determined that the necessary work is completed.
- 8) This resolution shall take effect immediately.

**RESOLUTION 97-20**

**LEAD AGENCY - SEQR**

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

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

WHEREAS, the Town of Pendleton is proposing amendments to the existing Town Code to update or make current local land use regulations; and

WHEREAS, the proposed amendments are subject to SEQR, according to 6 NYCRR Section 617.4(b)(2) which states that the adoption of changes in allowable uses within any zoning district, affecting 25 or more acres of the district is a Type 1 action; and

WHEREAS, in accordance with the provisions of SEQR, the Town intends to serve as Lead Agency for review of this Type 1 action and will determine if the Type 1 action will have a significant effect on the environment; and

WHEREAS, the Lead Agency will undertake a coordinated review of the proposed action;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of April 2020, that the Town hereby designates its intention to serve as Lead Agency for the proposed action and will circulate a Lead Agency Notice along with Part 1 of the Full Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies shall be given 30 days from the mailing of the Lead Agency Notice to consent.

This resolution shall take effect immediately.

**RESOLUTION 98-20**

**SCHEDULE PUBLIC HEARING**

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

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

WHEREAS, the Town Board of the Town of Pendleton passed a resolution on April 27, 2020 designating the Town's intention to serve as Lead Agency for a proposed Type 1 action; and

WHEREAS, a public hearing is necessary related to the Town's actions necessitating a review;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of April 2020 that a public hearing is set for 6:55 p.m. on June 8, 2020 at the Town Hall, located at 6570 Campbell Boulevard in the Town of Pendleton. Furthermore, the scheduled public hearing details shall be publicized as required by the Town Clerk.

This resolution shall take effect immediately.

**RESOLUTION 99-20**

**PROMAC CUTTER REPAIR**

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 Highway Department owns and operates a Promac 52" triple blade disk cutter, Model 52CDB (Promac cutter); and

WHEREAS, the Promac cutter is in need of repair which cannot be undertaken and completed by Town of Pendleton personnel; and

WHEREAS, a quote for repair has been secured from a local vendor capable of performing the required repair; and

WHEREAS, obtaining multiple quotes, as specific in the Town's Procurement Policy, will not be cost effective as obtaining such quotes will require transporting the Promac cutter to

multiple locations, potentially incurring further costs from other vendors for evaluation of the Promac cutter;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of April 2020 that the Highway Superintendent and Deputy Highway Superintendent are hereby immediately authorized to allow Anderson Equipment at 2140 Military Road, Tonawanda, NY to repair the Promac cutter for a cost of \$3,491.77.

#### **PUBLIC REMARKS/COMMENTS**

There were no public remarks or comments.

#### **BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that a Regular Meeting is scheduled for May 11, 2020 at 7:00 p.m.

Councilman Leible mentioned that he has been in contact with the NYS Park Police and asked if he should request that they patrol the trails while they are temporarily closed. Supervisor Maerten suggested that he speak with Emergency Services Coordinator Mark Walter and share this information with Chief Dunn at the Niagara County Sheriff's Office to coordinate services between the two agencies.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Regular Meeting at 7:27 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk