

**TOWN OF PENDLETON**  
**REGULAR MEETING**  
May 11, 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 11th day of May 2020 at 7:00 p.m. 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.

**ADDITIONS OR DELETIONS TO THE AGENDA**

The following revisions were made to the agenda:

- Add – Executive Session to discuss litigation related to the proposed National Fuel Gas Compressor Project
- Remove – Item #4 - Approve Summer Employment for Highway

**COMMUNICATIONS**

There were no items to report.

**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 100-20

**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 April 27, 2020, as presented by Town Clerk Maurer.

RESOLUTION 101-20

**ABSTRACT #9**

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 #9, Vouchers #20-00003 to #20-00052\* be paid on May 13, 2020:

General Fund	\$	16,884.79
Highway	\$	15,560.77
Sewer	\$	3,904.11
Water	\$	4,033.01
Trust & Agency	\$	5,247.00
Total	\$	45,629.68

*\*A new voucher number sequence has started due to a change in accounting software.*

## OTHER REPORTS

**Supervisor Maerten** reported that tax collected for March 2020 was \$155,015.98. This is an increase of \$7,705.92 when compared with March 2019. The year to date received was \$412,742.30 which is an increase of \$32,112.39 from 2019. He also stated that he is still nervously watching for a change in sales tax revenue due to the COVID-19 pandemic.

**Councilman Leible** reminded everyone that the articles for the summer newsletter are due on May 25<sup>th</sup>. He also provided an update on the temporary banning of motor vehicles on the trails. Councilman Leible and Deputy Supervisor Walter have spent a lot of time at the trails with the State Park Police and Niagara County Sheriff's Deputies informing the residents of the changes recently imposed. He also stated that maintenance and repair work on the trails has begun. Councilman Leible mentioned that the Niagara County Trailriders club has indicated they would be interested in helping out with the trail. Supervisor Maerten explained that Councilmen Fischer and Evchich are taking the lead on the trail clean-up project and asked Councilman Leible to provide them with the contact information for the club.

**Councilman Fischer** reported that he had also been checking in at the trails and stated that most of the residents he spoke to were understanding of these changes.

**Councilman Graham** provided an update on the County's Tonawanda Creek Road Construction Project. He stated that this project is in full bore and that he has been in regular contact with the contractor because of issues and problems that may arise that affect the residents of the town. He also acknowledged the Water/Sewer Department for their excellent response to the multiple water main breaks that were caused by the construction. They did a great job taking care of these in a timely manner. The project is on track to be completed this summer. He also noted that the County has been very responsive to the various issues that have occurred during the process.

**Councilman Evchich** reported that he has been in contact with Recreation Director Beatrice Mattina and the Trail Keepers regarding the notion of the club working together with the town's recreation committee. Both groups will be meeting via video conference on May 18, 2020. He is also drafting an addendum to the Recreation Master Plan that he hopes to be voted on by the Board at the June 8, 2020 meeting. This addendum is needed to secure additional funding for the town and will be submitted to Rotella Grant Management once approved. He also noted that Wendelville Fire Company has postponed the Length of Service Awards Program (LOSAP) audit due to the COVID-19 restrictions. Finally, Councilman Evchich stated that he is very excited about these upcoming projects.

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

**Supervisor Maerten** reported that the Town's Annual Update Document (AUD) has been submitted to the State.

## 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

**Supervisor Maerten** remarked that despite the fact that the Town Hall is closed to visitors the staff has been quite busy. He commended the staff on how they have been keeping things moving along.

Agreement for the Expenditure of Highway Moneys (284 Agreement)

Supervisor Maerten reported that he requested an updated 284 Agreement from the Highway Superintendent reflecting a cut in expenditures. He had not received the updated agreement prior to the commencement of the meeting. This item was tabled.

RESOLUTION 102-20

**SURPLUS ANIMAL CRATES**

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

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

Resolved to declare two non-functional animal crates, previously in the Dog Control Officer's possession, as surplus.

Discussion of Continuity of Operations Plan (COOP)

Supervisor Maerten explained that a memo was sent to the Town Board, all committee members and department heads, regarding our need to move forward with a Continuity of Operations Plan (COOP). He commended everyone for working through this current crisis, keeping town operations going and keeping our work environment as safe as possible under these conditions. This current crisis has pointed out a need for documentation and planning moving forward for any event that could possibly affect our ability to provide services to the Town. This COOP will be a project moving forward with the intention of creating a plan that can be utilized in the future.

Approve Summer Employment for Highway - Rhea Coad

This item was removed from the agenda per the Highway Superintendent's request.

Motion by Councilman Leible, seconded by Councilman Evchich, to enter into an Executive Session with the Town Attorney and Deputy Town Supervisor, to discuss litigation related to the proposed National Fuel Gas Compressor Project, at 7:28 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session at 7:45 p.m. Motion carried.

**PUBLIC REMARKS/COMMENTS**

There were no public remarks or comments.

**BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that a Work Session is tentatively scheduled for May 25, 2020 at 7:00 p.m. Agenda items are due for this meeting by May 20, 2020 in order to be posted in a timely matter to the public.

Motion by Councilman Leible, seconded by Councilman Graham, to adjourn from the Regular Meeting at 7:45 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk