

TOWN OF PENDLETON
September 14, 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 14th day of September 2020 at 7:00 p.m. The meeting was open to the public. The meeting was also conducted as a live GoToMeeting and a conference call line was provided to the public allowing access to live audio. The agenda and related documents were posted online and public remarks and comments were accepted until 6:30 p.m. on the night of the meeting. The audio recording of the meeting is posted on the town's website.

PUBLIC HEARING

PUBLIC HEARING – PROPOSED CONSTRUCTION OF 140 FT. WIRELESS TELECOMMUNICATIONS TOWER

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on September 14, 2020 and on the Town's website.

Supervisor Maerten opened the Public Hearing at 6:55 p.m.

The purpose of the hearing is to receive public input for the proposed construction of a 140 ft. wireless telecommunications tower on land owned by the Wendelville Fire Company, Inc., located at 7340 Campbell Boulevard, in the Town of Pendleton. Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless and Horvath Communications desire to construct and operate this tower.

Town Attorney Joerg stated that he reviewed the contract and the insurance documents and everything seemed in order. He has no opposition to this project.

There were no other comments or questions.

Motion made by Councilman Leible, seconded by Councilman Fischer, to close the Public Hearing at 6:58 p.m. Motion carried.

WORK SESSION

Supervisor Maerten opened the Work Session at 7:00 p.m.

Councilman Fischer reported information to the Board about an ongoing drainage issue at the Haylett property on Tonawanda Creek Road. A discussion took place confirming that it is a roadside drain initially installed by the Town. Permission was given for Superintendent Stowell to add this repair to the Public Works Department's schedule.

Councilman Graham asked questions regarding some of the Town Code ordinance updates that were presented with the "Blue #1" packet. Lengthy discussions occurred regarding updates to the following Town Code sections:

- § 247-86 Drainage, C. Application and Plans to be submitted, Subsection 1.
- § 247-87 Excavation and Fill, E. Exceptions, Subsection 2.
- § 247-12 C02 District: Light Commercial, M. Permitted by Special Use, Subsection 1.

The Board agreed that they were not ready to vote on these ordinance updates and will delay action until the Work Session at the end of this month. Engineer Britton will work with the Planning Board to provide further clarification and updates to the sections in question.

Councilman Evchich reported that the hand sanitizer stands are being installed in the parks and provided an update about the bocce courts that will be installed soon.

Engineer Britton provided an update on drainage work that was completed on Tonawanda Creek Road stating that he met with both Niagara County and the New York State Canal Corporation about this project. He reported that the county had advanced this project to be included as part of the Tonawanda Creek Road construction project. He said this effort was a nice collaboration on the project and was excited to see a long standing drainage issue come

to an end. He also discussed a surveying project being completed on Kriston Lane to address drainage issues there.

Engineer Britton informed the Board of a New York State Electric and Gas (NYSEG) gas line project that is being proposed for Campbell Boulevard starting at Mapleton Road continuing north. He wanted the Board to be aware of it.

A discussion also took place regarding upcoming smoke testing for inflow and infiltration (I and I) for our sewer systems. These tests are intended to detect illegal and/or broken connections to the storm sewer and sanitary sewer systems.

The Work Session was called to an end at 7:40 p.m.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:40 p.m.

Supervisor Maerten read the invocation and a moment of silence was observed to remember the events of 9/11. This was followed by the salute to the flag.

Roll Call:

Supervisor Maerten	Present
Councilman Evchich	Present
Councilman Fischer	Present
Councilman Graham	Present
Councilman Leible	Present

Also present:

Deborah Maurer – Town Clerk
Claude Joerg – Town Attorney
Mark Walter – Deputy Supervisor
Ron Diedrich – Building Inspector/Code Enforcement Officer
Jim Chisholm - Assessor
Dave Britton – Town Engineer
Don Bergman – Budget Officer

There were six residents in attendance and no callers on the line.

ADDITIONS OR DELETIONS TO THE AGENDA

The following revisions were made to the agenda:

- Move Item #1 – Executive Session – to the end of the list
- Delete Item #5 – Ordinance Updates – Blue #1
- Delete Item # 10 – Authorize the Account Clerk to Forward Outstanding Water Bills to Town Assessor for Levy
- Delete Item #11 – Authorize the Assessor to Levy Unpaid Town Charges to 2021 Niagara County Tax Bill

COMMUNICATIONS

Town Clerk Maurer read a letter of interest, from Sandra Masterson, regarding reappointment to the Board of Assessment Review. This is the only letter of interest received for this position.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident inquired as to whether her questions which were discussed at the previous meeting, regarding the proposed ordinance changes, have been answered yet. Supervisor Maerten and Engineer Britton both commented that they have been communicating about the items and they will be reviewed and addressed when talks continue on the ordinance updates at the upcoming Work Session.

ROUTINE BUSINESS

RESOLUTION 139-20

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 meeting minutes for the Regular Meeting held on August 10, 2020, as presented by Town Clerk Maurer.

RESOLUTION 140-20

ABSTRACT #16

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 #16, Vouchers #20-00377 to #20-00428, that was paid on August 26, 2020:

General Fund	\$	12,261.83
Highway	\$	9,191.69
Refuse	\$	39,255.26
Sewer	\$	3,557.98
Water	\$	311.37
Total	\$	64,578.13

RESOLUTION 141-20

ABSTRACT #17

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 #15, Vouchers #20-00429 to #20-00499 to be paid on September 16, 2020:

General Fund	\$	29,569.62
Highway	\$	13,153.97
Refuse	\$	39,255.26
Sewer	\$	10,431.06
Water	\$	20,032.01
Trust & Agency	\$	5,247.00
Total	\$	117,688.92

OTHER REPORTS

Supervisor Maerten reported that tax collected for July 2020 was \$126,080.63. This is a decrease of \$9,182.45 when compared with July 2019. The year to date received was \$895,657.63 which is a decrease of \$56,802.48 from 2019. This decrease is related to the COVID-19 pandemic and Supervisor Maerten encourages everyone to shop in Niagara County as much as possible.

Supervisor Maerten also reported that the Niagara County Sheriff’s Office (NCSO) has completed a traffic count on Bear Ridge Road. A detailed report was submitted by NCSO and was shared with the Board. He may be asking the NCSO to conduct additional counts in the Town. He also stated that he recently participated in a very productive meeting at Starpoint with representatives from Starpoint, Niagara County Public Works, New York State Department of Transportation (NYSDOT), Senator Ortt’s office, Assemblymember McMahan’s office, and NCSO. The purpose of the meeting was to discuss the ongoing traffic safety concerns near the school, such as volume of traffic, speed of traffic, multiple driveways, buses, etc. He said that the Board has been trying for the last five years to lower the speed limit near the school and has submitted necessary paperwork to the NYSDOT with no resolution. The Town had been working with Senator Ortt and Assemblymember McMahan to be granted “home rule” authority that would allow the Town to make changes to the speed limit on Mapleton. He felt it was a very productive meeting and is hoping for resolution soon. Supervisor Maerten also commented on an Executive Order released from Governor Cuomo regarding police force review, known as the New York State Police Reform and Reinvention Collaborative. He noted that the Niagara County Legislature recently passed a resolution to begin that process and that each city and town of Niagara County was

required to choose a person to represent their municipality. Long time resident Michael Zimmerman, a recently retired member of the military and school board president, volunteered to represent the Town of Pendleton on this committee. He also informed the Board that he has a meeting scheduled with Penflex, Inc. regarding the Length of Service Award Program (LOSAP) and some new legislation related to COVID-19.

Councilman Leible read the Water/Sewer Department report. During the month of August, the Sewer Department had 26 regular and six overtime calls. They repaired four pressure sewer breaks and a gravity sewer backup and installed a new build sewer tap. The Water Department repaired three water leaks, completed a new build water service push, completed the quarterly Stage 2 water testing, and conducted water bill readings. They also completed 61 stake outs.

Councilman Fischer read the Highway Department report for August stating that they chipped brush, cleaned out ditches, replaced a driveway, flushed out and repaired culvert pipes, mowed roadside ditches and repaired signs and equipment. They also maintained the building grounds, parks and cemeteries as well as setting up a second pickle ball court near the main tennis court. The Highway Department also shared services with the Town of Wheatfield.

Councilman Graham had nothing additional to report.

Councilman Evchich had nothing additional to report.

Town Attorney Joerg asked about lacrosse being played on the property behind Pivot Punch. He indicated that an insurance binder needs to be submitted. Supervisor Maerten explained that it was recently provided.

Engineer Britton had nothing additional to report.

Budget Officer Bergman reported that budget meetings will be starting next week and that some departments have not yet turned in their requests. He also mentioned that he will be producing reports using the town's new software system.

Supervisor Maerten announced to the Board that Budget Officer Bergman will be retiring from this appointed position at the end of 2020. He has been assisting the Town as Budget Officer since 1996. Mr. Bergman said that he will be available to help his successor in the future if needed.

DEPARTMENT HEADS

Town Clerk Maurer stated that the Town Hall opened back up to visitors today for the first time since being shut down due to COVID-19. She said that quite a few visitors came in today. Mrs. Maurer remarked that there are guidelines that she is asking visitors to follow in order to keep both the residents and the staff safe. She also reported on the Town Clerk and Water Billing monthly reports. She also stated that all departmental reports were posted online with the agenda for the public to review.

Supervisor Maerten thanked Mrs. Maurer, Mr. Diedrich, Mr. Chisholm and the rest of the Town Hall staff for working together to come up with a reopening plan. He also thanked them for their teamwork over the past few months to keep the Town operations going over the past several months.

Building Inspector Diedrich spoke briefly about a dilapidated building at Tan-Tara Golf Club that was condemned and eventually demolished by the club.

Assessor Chisholm mentioned that he has been fielding calls from residents with questions about their school tax bills that were recently mailed out.

NEW BUSINESS

RESOLUTION 142-20

AMENDMENTS TO TOWN CODE CHAPTER 235

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

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

WHEREAS, East Canal Road and portions of Tonawanda Creek Road are located within the borders of the Town of Pendleton and these roads intersect near the Town's southern border, and

WHEREAS, Niagara County is known to be responsible for all maintenance, upkeep, and repair of East Canal Road and Tonawanda Creek Road, and

WHEREAS, the Town Board of the Town of Pendleton and Niagara County Public Works have received numerous reports of concern related to the safety of the many pedestrians who are present in the area of the intersection of East Canal Road and Tonawanda Creek Road due to the opening of the Canal Trail and established local businesses, and

WHEREAS, the concerns have been evaluated by the Town of Pendleton and Niagara County and Niagara County Public Works has requested that the Town Board take action to address roadside parking in the vicinity of the intersection of Tonawanda Creek Road and East Canal Road, and

WHEREAS, the Planning Board has reviewed the need for a proposed Town Code update addressing this concern and has replied with recommendations for such a Town Code modification,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2020 that Town Code § 235-4 - General Provisions shall include the following subsections to be added to Section A:

- (4) North and south sides of Tonawanda Creek Road for a distance of 375 feet west and 200 feet east from the approximate intersection of Tonawanda Creek Road and East Canal Road.
- (5) West and east sides of East Canal Road for a distance of 175 feet north from the approximate intersection of East Canal Road and Tonawanda Creek Road and south from the intersection to the southern Niagara County border.

RESOLUTION 143-20

SEQR TYPE II DETERMINATION (ORDINANCE UPDATES RED #1)

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

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

WHEREAS, at its December 17, 2019 meeting the Planning Board reviewed various ordinance updates to address inconsistencies within the Town Code and issued a positive recommendation to the Town Board, and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conversation Law;

NOW, THEREFORE BE IT RESOLVED, that the Town of Pendleton hereby determines that the proposed updates to the Town Code is a Type II action in accordance with 6 NYCRR Section 617.5 (C) 33 and 26 which constitutes adoption of regulations, policies, procedures and local legislative decisions in connection with routine or continuing agency administration and management; and is therefore not subject to review under 6 NYCRR part 617.

FURTHERMORE, BE IT RESOLVED that it has been determined that the Administrative Town Code Updates, presently before the Town Board, are Type II actions and not subject to review under SEQR. That being the case, there is also no requirement or necessity to hold a Public Hearing on those Administrative Town Code Updates.

RESOLUTION 144-20

SEQR TYPE I NEGATIVE DECLARATION (ORDINANCE UPDATES – BLUE #1)

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

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

WHEREAS, The Pendleton Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

WHEREAS, the Town Board of the Town of Pendleton, as lead agency, has reviewed the minutes of the Planning Board meeting held on December 17, 2019, in which the Planning Board recommended to the Town Board, as lead agency, that the proposed amendments to the Town Code action is consistent with a Type I SEQR action and furthermore, that the proposed action will not have a significant adverse impact on the environment and that a negative declaration should be issued; and

WHEREAS, the Town Board, as lead agency, has applied the criteria listed in 6 NYCRR 617.4(b)(2) to this action and considering all the relevant documentation and information submitted, determines that this action will not have a significant adverse impact on the environment; and

WHEREAS, the Town Board of the Town of Pendleton, as lead agency, concurs with the recommendation of the Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pendleton, as lead agency, for the SEQRA review of the proposed action hereby issues a negative declaration in connection with this unlisted activity; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute any necessary documents relating to an issuance of a negative declaration.

Ordinance Updates – Blue #1

This item was deleted from the agenda and tabled until the September 28, 2020 Work Session.

RESOLUTION 145-20

SEQR DETERMINATION – PROPOSED CELL TOWER

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

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

WHEREAS, The Pendleton Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration; and

WHEREAS, the Town Board of the Town of Pendleton, as lead agency, has reviewed the minutes of the Planning Board meeting held on July 21, 2019, in which the Planning Board recommended to the Town Board, as lead agency, that the proposed action is an unlisted activity which will not have a significant adverse impact on the environment and that a negative declaration should be issued; and

WHEREAS, the Town Board, as lead agency, has applied the criteria listed in 6 NYCRR 617.7 to this action and considering all the relevant documentation and information submitted, determines that this action will not have a significant adverse impact on the environment; and

WHEREAS, the Town Board of the Town of Pendleton, as lead agency, concurs with the recommendation of the Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pendleton, as lead agency, for the SEQRA review of the proposed action hereby issues a Negative Declaration in connection with this unlisted activity; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute any necessary documents relating to an issuance of a negative declaration.

RESOLUTION 146-20

PROPOSED CELL TOWER – 7340 CAMPBELL BOULEVARD

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

WHEREAS, Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless and Horvath Communications desire to construct and operate a communication tower on property owned by the Wendelville Fire Company, Inc. located at 7340 Campbell Boulevard, and

WHEREAS, owner and operator agents have properly engaged with the Planning Board to commence and complete the necessary process for approval of the proposed communication tower, and

WHEREAS, the Planning Board has positively recommended approval of the proposed communication tower, and

WHEREAS, a public hearing was advertised and held on September 14, 2020 for public comment on the proposed project, and

WHEREAS, Town Code §247-68.5 Permits requires final approval by the Town Board,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2020 that a permit shall be issued to Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless and Horvath Communications for construction of a communications tower on property owned by the Wendelville Fire Company, Inc. at 7340 Campbell Boulevard and all necessary permits shall be issued by the Building Department.

Bliss Construction, LLC Public Improvement Permit (Pip) Applications

Engineer Britton provided some background information the new Meadows at Pendleton North subdivision. Work has begun on this next phase of the Meadows subdivision. Bliss Construction, LLC, has submitted four Public Improvement Permit(PIP) application; Water Line, Sanitary Sewer, Storm Sewer and Pavement Class/Curb Type. The Niagara County Department of Health Environmental Health Division has approved the plans for this project and a Certificate of Approval of Realty Subdivision Plans has been submitted. The insurance is in place and all required fees have been submitted to the Town Clerk's office. Engineer Britton stated that they are looking to start putting pipe in the ground in the next few weeks.

RESOLUTION 147-20

BLISS CONSTRUCTION, LLC PUBLIC IMPROVEMENT PERMIT (PIP) APPLICATIONS

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 and issue the four Public Improvement Permits (PIP) for the Meadows at Pendleton North subdivision as submitted by Bliss Construction, LLC.

4829 Tonawanda Creek Road Public Improvement Permit (PIP) Applications

Engineer Britton provided a brief description of this project. There is a request for a two-lot minor subdivision on Tonawanda Creek Road near the corner of Campbell Boulevard. Prior to the approval of that request, both the water and sanitary sewer systems will need to be extended. Plans have been submitted and the appropriate fees have been paid.

RESOLUTION 148-20

4829 TONAWANDA CREEK ROAD PUBLIC IMPROVEMENT PERMIT (PIP)

APPLICATIONS

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 and issue the four Public Improvement Permits (PIP) for 4829 Tonawanda Creek Road as submitted by Wolf's Nursery Inc./GPI Engineering.

Authorize the Account Clerk to Forward Outstanding Water Bills to Town Assessor for Levy

This item was deleted from the agenda.

Authorize the Assessor to Levy Unpaid Town Charges to 2021 Niagara County Tax Bill

This item was deleted from the agenda.

Refuse and Recycling Contract

Supervisor Maerten reported that Modern Corporation holds the current contract for refuse and recycling in the town and has opted to decline a contract extension. The Town of Pendleton is part of the Niagara County Solid Waste Consortium comprised of multiple municipalities in Niagara County. Supervisor Maerten explained that Dawn Timm, Director of the Division of Environmental Solid Waste, Niagara County Department of Public Works, has assisted the consortium with putting together a request for quotes. The consortium received bids from Modern Corporation and Waste Management. [Niagara County Solid Waste Consortium bid documents can be viewed on the Town's website at www.pendletonny.us]. Modern's Base Rate was \$206.59 per unit and Waste Management was \$284.06 per unit. The contract was awarded to the lowest bidder, Modern Corporation.

The Town will be moving to a refuse tote system that is similar to the recycling totes that we currently have. Supervisor Maerten continued to explain reasons why the contract changed, specifying differences in costs relating to personnel, equipment, liability and disposal as well as changes in regulations effecting how operations take place. The consortium agreed to accept the contract for six years with the possibility of up to two additional three-year periods. He has already been in contact with the other town supervisors to arrange the purchase of the totes.

RESOLUTION 149-20

REFUSE AND RECYCLING CONTRACT

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 historically has ensured that current contracts are in place with responsible vendors for the collection of refuse and recycling materials for select property use classifications, and

WHEREAS, Modern Corporation is currently contracted for refuse and recycling material collection and Modern Corporation has declined an extension of the current contract which expires at the end of 2020, and

WHEREAS, the Town of Pendleton participates in a consortium of multiple local municipalities in the preparation of documentation required for solicitation of bids with the intent of engaging in a new contract for continued collection of refuse and recycling materials for all consortium members, and

WHEREAS, the request for bids was advertised, multiple sealed proposals were received by the deadline set for 2:00 PM on July 28, 2020, and the sealed proposals were opened and reviewed for compliance with advertised bid documentation, and

WHEREAS, the lowest bid for collection of refuse and recycling materials was received from Modern Corporation,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2020 that a contract shall be accepted and executed as follows:

- 1) The six-year contract shall commence on January 1, 2021 with renewal for up to two additional three-year periods upon mutual agreement, under the same terms and conditions.
- 2) The contract commences in 2021 at a unit rate of \$206.59 with an additional annual charge of \$25.15 for each additional optional refuse container requested by a property owner.
- 3) The annual rate of increase shall be fixed to the Consumer Price Index for water, sewage and trash collection and it will be capped at 3.5% annually.
- 4) The option listed as Bid Option 2: Cart Maintenance Program by Modern Corporation shall be declined.
- 5) The option listed as Bid Option 3: Recycling Collection Alternate shall be accepted.
- 6) The Town Supervisor is authorized to sign a final contract agreement with Modern Corporation as outlined above.
- 7) This resolution shall take effect immediately.

Sewer Repair Parts

The Water/Sewer Department submitted a purchasing worksheet requesting sewer parts for new services and repairs. Three quotes were solicited with the following results:

- Blair Supply Corp. \$4,259.70
- Lock City Supply Inc. \$4,529.06
- Core and Main Response to quote request was not received

RESOLUTION 150-20

SEWER REPAIR PARTS

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 low bid of \$4,259.70, from Blair Supply, for the purchase of stock sewer parts for new services and repairs.

RESOLUTION 151-20

WENDELVILLE FIRE COMPANY – NEW MEMBER

Motion by Councilman Fischer, seconded by Councilman Leible, 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 name of a prospective new member who was accepted by a majority vote of the fire company membership at their regular meeting on September 3, 2020;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2020 that Aidan Strasburg shall be accepted as a new member of the Wendelville Fire Company, Inc. effective immediately.

BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that the following meetings have been scheduled:

- Budget Session, September 21, 2020, 7:00 p.m.
- Work Session, September 28, 2020, 7:00 p.m.
- Budget Session, October 5, 2020, 7:00 p.m.
- Regular Meeting, October 12, 2020, 7:00 p.m.

- Budget Session, October 12, 2020, immediately following the Regular Meeting

PUBLIC REMARKS/COMMENTS

A Meyer Road resident spoke to the Board about a concern he has with ATV users on the Town's bike path. He said that he doesn't usually have a problem with the ATV riders using the bike path but stated that recently it has become out of hand. He lives near the path and has been noticing that truckloads of riders are coming to use the paths, hanging out at the ends of the path, blasting loud music, using obscene language and acting inappropriately. He thinks many of these individuals are not residents of the Town and is wondering if there is some way that non-residents could be required to have a permit to ride or if the Town should restrict use of the path.

Supervisor Maerten asked the Board to make a motion that will allow him to contact the Planning Board and ask for their review of the use of this multi-use path.

RESOLUTION 152-20

LETTER TO PLANNING BOARD

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

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

Resolved to direct the Town Supervisor to send a letter to the Planning Board requesting a review of the Town Code and any potential revisions that may be made to such code addressing the use of the Town's multi-use path.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor and the Building Inspector to discuss litigation at 8:35 p.m. Motion carried.

Motion by Councilman Fischer, seconded by Councilman Evchich, to adjourn from the Executive Session and Regular Meeting at 9:35 p.m. Motion carried.

Deborah K. Maurer, Town Clerk