

**TOWN OF PENDLETON
REGULAR MEETING
March 8, 2021**

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 8th day of March 2021 at 7:00 p.m. The meeting was open to the public.

WORK SESSION

Supervisor Maerten opened the Work Session at 7:05 p.m. He began by welcoming resident Shannon Churchill who is interested in running an “under 8” baseball program in the Town now that CNBSA is no longer sponsoring it. She requested information about the program and stated that she would like to get something running as soon as possible. A discussion occurred regarding the equipment needed, insurance requirements, fees for residents and non-residents and the need for volunteers to help with the program.

Niagara County by the Numbers – Mural Project

Councilman Fischer spoke about the “Niagara County by the Numbers” Mural Project. Niagara County Entertainment, LLC is looking for 12 locations throughout the county to place murals painted by 12 individual artists. The mural would cover a five-foot by seven-foot area. A suggestion was made to put it near Uncle G’s restaurant. There were other ideas and suggestions discussed during this conversation as well.

Highway Garage Cleaning Contract and Fire Alarm System

Supervisor Maerten asked Councilman Leible to submit three quotes for the Highway Garage cleaning and three quotes for the fire alarm system to be presented at the next meeting.

Wendelville Fire Company Request

A request was made by the Wendelville Fire Company for the Town to sponsor a 100-year anniversary celebration in 2021. A celebration is planned for August 14, 2021 which will include fireworks, a parade, chowder, a band and other activities in the grove. Supervisor Maerten will work with the fire company’s president to gather details about the event and anticipated costs. Information will be provided to Town Clerk Maurer so she can publish it on the Town’s website and Facebook page.

Baseball Program

Councilman Graham reported that he received a call from Recreation Committee member Nicole Welka regarding travel baseball leagues that are requesting to use Pendleton’s fields. It was discussed that a Facilities Use Agreement and insurance document will need to be provided as well as maintenance fees. Supervisor Maerten also suggested a security deposit should be considered and preference should be made for Town leagues.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:26 p.m.

Supervisor Maerten read the invocation and the salute to the flag. A moment of silence was observed recognizing former Town Clerk Jan Vullo.

Roll Call:

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

Also present:

Noreen Lemma - Deputy Town Clerk
Claude Joerg – Town Attorney

Craig Walter – Deputy Highway Superintendent
Mark Walter – Deputy Supervisor
Ron Diedrich – Building Inspector/Code Enforcement Officer
Jim Chisholm - Assessor
Dave Britton – Town Engineer
Tom Maturski – Budget Officer
Wolfgang Buechler – Zoning Board of Appeals Chairman
Margit Denning – Public Works Clerk

There were three residents in attendance.

ADDITIONS OR DELETIONS TO THE AGENDA

The following revisions were made to the agenda:

- Add Item # 10 Farmers Market Account
- Add Item # 11 Farmers Market Account

COMMUNICATIONS

There were no items to report.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

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

ROUTINE BUSINESS

Meeting Minutes

Town Clerk Maurer was called away for a family emergency and was not able to present the meeting minutes from the previous meeting.

RESOLUTION 71-21

ABSTRACT #21

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, to be paid on March 10, 2021 as follows:

- Voucher #20-00981 for year ending 2020:

Highway	\$	30.17
Total	\$	30.17

- Vouchers #2100137 to #21-00183 for year ending 2021:

General Fund	\$	18,508.42
Highway	\$	38,105.22
Fire District	\$	4,795.00
Sewer	\$	8,995.95
Water	\$	4,936.31
Total	\$	75,340.90

OTHER REPORTS

Supervisor Maerten reported that tax collected for January 2021 was \$123,108.70. This is a decrease of \$18,072.14 when compared with January 2020. The year to date received was \$123,108.70 which is a decrease of \$18,072.14 from 2020.

Supervisor Maerten also appointed an ad hoc Farmers Market committee including naming Marissa Jacobson as the committee chairperson. Ms. Jacobson has been working with Councilman Graham to re-establish the Farmers Market.

Councilman Leible reported that the newsletter is ready to be printed and mailed. He also stated that he performed the court audit for Justice Maziarz and noted some changes that have occurred in the past year due to COVID-19. He stated that all in all everything was in good order. Mr. Leible also reported that the Recreation Committee is in the process of obtaining quotes to

resurface the tennis courts and hockey rink at Depeau Park. Lastly, he thanked Assessor Chisholm for completing his classes to be a certified Assessor in New York State.

Councilman Fischer stated that he spoke with Denuelle Meyer and Joanne Zimmerman, the co-chairs for the Pendleton Farm and Home Days reminding everyone that the event was cancelled this year due to the uncertainty that the COVID pandemic has caused. They are working on next year's event and said that it will be even bigger and better. He also reported that he had a conversation with Michael Zimmerman, our liaison with the Niagara County Police Reform Program and provided a brief update on that program.

Councilman Graham congratulated Assessor Chisholm for completing the required courses to become a certified NYS Assessor. He also thanked Building Inspector Diedrich and Ordinance Enforcement Officer Follendorf for completing their required courses. Councilman Graham informed the Board that the first day of the Farmers Market will be Sunday, May 16, 2021. As of now they have about 15 vendors interested in participating in the event.

Councilman Evchich reported that he completed the annual audit for Justice Mack finding everything to be in order. He also reported on the status of the Challenger Baseball League that will be starting on June 4, 2021 for an eight-week season.

Engineer Britton stated that he will be working with Stormwater Management Officer (and Building Inspector) Diedrich on the annual Stormwater Report that will be presented in May. Mr. Britton also reported that the Bear Ridge Solar Project has withdrawn their application under the Article 10 process but has refiled under a new State process that will streamline the process. Engineer Britton has been working directly with the Town's attorney that is assigned to this project and stated that he will keep the Board informed of the status of this project.

Budget Officer Matuski stated that Lumsden and McCormick will be onsite this week to begin working on the Annual Update Document (AUD). He mentioned that he expects the report to be ready to be filed in April. Mr. Matuski also plans on providing a quarterly report on the budget at the May Board meeting.

DEPARTMENT HEADS

Building Inspector Diedrich reported that "number wise" he did not have much to report from the previous month but he stated that the phones have been ringing off the hook because the word around town is that "Pendleton is a very desirable place to live". He expects that there will be multiple projects starting once the weather breaks. Councilman Graham inquired about when he expects construction on the houses at the new development (The Meadows at Pendleton North) to begin. Mr. Diedrich and Mr. Britton both stated that they won't be starting until late summer at the earliest.

Assessor Chisholm concurred with Building Inspector Diedrich's statements and stated that he will be plugging away at the normal pace for his office.

NEW BUSINESS

RESOLUTION 72-21

GAR ASSOCIATES LLC PROS SOFTWARE - ASSESSOR

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

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

Nays 0

WHEREAS, the Assessor of Town of Pendleton and Niagara County Real Property Tax Services recommend that the Town of Pendleton engages with GAR for online services related to the duties of the Assessor's Office, and

WHEREAS, the services rendered by GAR will replace services previously provided through the OARS system,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of March 2021 that the Town Supervisor is authorized to sign the agreement with GAR for services through December 31, 2021. This resolution shall take effect immediately.

RESOLUTION 73-21

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 2020, 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 74-21

COURT AUDIT – JUSTICE MACK

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

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

Resolved and acknowledged that the audit for the year of 2020, 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.

RESOLUTION 75-21

SCHEDULE PUBLIC HEARING FOR NON RESIDENT ATV USE OF TRAILS

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

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

Resolved to schedule a Public Hearing, for the presentation to the public of a proposed amendment of the Town Code and the adoption of an ordinance to be included in such Code concerning non-resident all-terrain vehicles (ATVs) use on the Town’s “Linear Multiple Use Trail” on April 12, 2021 at 6:55 p.m.

RESOLUTION 76-21

TOWN HALL LANDSCAPING AND LAWN SPRAYING

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 owns and maintains the Town Hall located at 6570 Campbell Boulevard, and

WHEREAS, the appearance and upkeep of the property surrounding the Town Hall is important to the residents of the Town of Pendleton and continued maintenance is necessary to ensure a professional and appealing appearance, and

WHEREAS, a resolution was unanimously passed on January 11, 2021 authorizing the advertisement for proposals for maintenance and upkeep on the landscaping at the Town Hall, and

WHEREAS, multiple proposals were received related to landscape maintenance and lawn spraying,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of March 2021 that the proposal for landscape services received from Dore Landscape Associates for \$2,980.00 and the proposal lawn spraying services from Evergreen for \$720.00 shall be accepted. Furthermore, a summary of proposals received is as follows:

Town Hall Landscaping	Town Hall Lawn Spraying
Turf Tec - \$7,875.00	TruGreen - \$793.64
Dore Landscape Associates - \$2,980.00	Evergreen - \$720.00
	Turf Tec - \$2,711.00

This resolution shall take effect immediately.

RESOLUTION 77-21

CHALLENGER LEAGUE

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 Facilities Use Agreement for the Challenger League.

RESOLUTION 78-21

EMPLOYEE DECLINATION OF HEALTH INSURANCE STIPEND

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

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

WHEREAS, specific full-time employees of the Town of Pendleton are eligible for health insurance coverage, of which the expense is paid by the Town, and

WHEREAS, such employees may voluntarily elect to decline such health insurance due to coverage provided by their spouse's employer or otherwise, and

WHEREAS, employees declining health insurance coverage provide a savings to the Town of Pendleton, and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of March 2021 that employees who were eligible for health insurance coverage during the 2020 calendar year, but declined such coverage, shall be paid a stipend of \$1,000.00. This resolution shall only apply to employees not represented by a Collective Bargaining Agreement.

RESOLUTION 79-21

FARMERS MARKET

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

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

WHEREAS, resident interest in establishing a Farmers Market has been communicated to the Town Board, and

WHEREAS, a Farmers Market would provide a much needed opportunity for Town of Pendleton residents as well as others in the surrounding communities,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of March 2021 that a Farmers Market shall be allowed on Town property as follows:

- 1) The parking lot north of the Old Highway Garage and south of the Town Park tennis courts shall be the authorized location
- 2) The dates of the Farmers Market shall be Sundays from May 16th through October 17th, 2021, from 8:00 AM to 3:00 PM on these dates.
- 3) This event shall be advertised as the Pendleton Station Market.
- 4) An amount up to \$2,000 shall be authorized for expenses related to establishment and operation of the Pendleton Station Market.
- 5) All vendors shall use the adopted vendor permit process currently enacted by the Town Clerk's Office.
- 6) All vendor permit documentation, including certificate of insurance and security deposit, shall be collected and filed by the Town Clerk's Office.
- 7) Vendors shall be categorized in the following groups:
 - a) Full-Time Vendor - Plans to participate with the market as a vendor for the entire duration of the season.
 - b) Part-Time Vendor (Spring) - Plans to participate with the market as a vendor for the Spring Session, May 16th thru July 25th.
 - c) Part-Time Vendor (Fall) - Plans to participate with the market as a vendor for the Fall Session, August 1st thru October 17th.
 - d) Pop-Up - Plans to participate with the market on sporadic dates throughout the season, as their goods are available for sale.
- 8) The following fees shall be collected:
 - a) Full-Time Vendor: \$200.00
 - b) Part-Time Vendor (Spring and Fall): \$100.00
 - c) Pop-Up Vendor: \$60.00.

- 9) Vendor security deposits shall be returned at the end of the approved season if the following requirements are satisfied:
- a) Full-Time Vendor - attends minimum of twenty (20) market dates as a vendor.
 - b) Part-Time Vendor (Spring Session) - attends minimum of ten (10) market dates as a vendor.
 - c) Part-Time Vendor (Fall Session) - attends minimum of ten (10) market dates as a vendor.

This resolution shall take effect immediately.

RESOLUTION 80-21

FARMERS MARKET ACCOUNT – RESCIND RESOLUTION 07-21

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 Board authorized the Town Supervisor to close the Town's Farmers Market account by resolution unanimously approved at the regular meeting of the Town Board on January 11, 2021, and

WHEREAS, interest in re-establishing the Town of Pendleton Farmers Market has been communicated to the Town Board since adoption of this resolution,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of March 2021 the resolution passed on January 11, 2021 authorizing the Town Supervisor to close the Town of Pendleton Farmers Market account is rescinded.

This resolution shall take effect immediately.

RESOLUTION 81-21

ESTABLISH FARMERS MARKET ACCOUNT

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 Board authorized the Town Supervisor to close the Town's Farmers Market account by resolution unanimously approved at the regular meeting of the Town Board on January 11, 2021, and

WHEREAS, interest in re-establishing the Town of Pendleton Farmers Market has been communicated to the Town Board since adoption of this resolution, and

WHEREAS, the resolution passed on January 11, 2021 was rescinded by resolution by the Town Board on March 8, 2021,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of March 2021 that the Town Supervisor is authorized to establish a Farmers Market account with a balance of \$2,000.00 transferred from the General Fund.

This resolution shall take effect immediately.

BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that a Work Session is scheduled for March 22nd at 7:00 p.m. The next Regular Meeting will be held on April 12, 2021.

PUBLIC REMARKS/COMMENTS

Margit Denning from the Public Works Department inquired about the status of the request for paid holidays and sick days. Supervisor Maerten said that it is still being considered.

A resident, Diane, who is heading the Challenger Baseball League this year, thanked the Board for allowing this important event to continue. Supervisor Maerten thanked her for volunteering her time for this program.

Another resident mentioned that the Pendleton Business Association will be submitting a grant application to the Town at the next meeting and also announced that the Community Faire will be held on Saturday, October 2, 2021 at Pendleton Center Church.

Motion by Councilman Leible, seconded by Councilman Graham, to close the Regular Meeting at 8:10 p.m. Motion carried.

Noreen Lemma, Deputy Town Clerk

PENDING APPROVAL