

**PENDING APPROVAL**  
**TOWN OF PENDLETON**  
**REGULAR AND ORGANIZATIONAL MEETING**  
January 11, 2021

A Regular and Organizational 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 January 2021 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 meeting was 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.

Supervisor Maerten called the meeting to order at 7:07 p.m.

Supervisor Maerten read the invocation and the salute to the flag.

Roll Call:

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

Also present:

Deborah Maurer – Town Clerk  
Claude Joerg – Town Attorney  
Mark Walter – Deputy Town Supervisor  
Jim Chisholm - Assessor  
Dave Britton – Town Engineer  
Don Bergman – Former Budget Officer  
Wolfgang Buechler – Zoning Board of Appeals Chairman  
Jeff Stowell – Highway and Water/Sewer Superintendent  
(virtually)  
Ron Diedrich – Building Inspector/Code Enforcement Officer  
(virtually)

There were zero residents in attendance and six callers on the line.

**ADDITIONS OR DELETIONS TO THE AGENDA**

The following changes were made to the agenda:

- Add Executive Session

**COMMUNICATIONS**

Town Clerk Maurer announced that the Town Hall will be closed on Monday, January 18<sup>th</sup> in honor of Martin Luther King Jr. Day and that the town will be holding a blood drive, sponsored by ConnectLife, on Thursday, February 4<sup>th</sup>, from 10:00 a.m. – 2:00 p.m. here at the Town Hall. Appointments are needed for this blood drive.

**PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

Town Clerk Maurer read aloud an email that was received regarding New Business item #4 – Farmer's Market Account. A Devonshire Lane resident wrote to the Town Board to express her thoughts regarding the closing of this account. She had not previously realized that the Town had a farmer's market and would like the Board to consider reestablishing the market stating that she "truly believes that if we dedicated the appropriate funding and time to reestablish the farmer's market, it could be a really successful symbol of our town and the people within it."

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

**PENDING APPROVAL**

**ROUTINE BUSINESS**

**RESOLUTION 01-21**

**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 December 14, 2020 as presented by Town Clerk Maurer.

**RESOLUTION 02-21**

**AUTHORIZE PAYMENT OF ABSTRACT #24 (2020)**

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 #24, Vouchers #20-00843 to #20-00879, that was paid on December 30, 2020:

General Fund	\$	3,565.84
Highway	\$	7,836.51
Refuse	\$	38,052.27
Sewer	\$	453.94
Water	\$	3,271.14
Trust & Agency	\$	1,000.00
Total	\$	54,179.70

**RESOLUTION 03-21**

**AUTHORIZE PAYMENT OF ABSTRACT #1 (2021)**

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 #1, to be paid on January 13, 2021 as follows:

- Vouchers #20-00880 to #20-00932 for year ending 2020:

General Fund	\$	11,605.59
Highway	\$	32,747.14
Sewer	\$	16,577.02
Water	\$	951.39
Total	\$	61,881.14

- Vouchers #21-00001 to #21-00011 for year ending 2021:

General Fund	\$	12,207.34
Highway	\$	10,102.35
Sewer	\$	1,586.95
Water	\$	3,601.36
Total	\$	27,498.00

**OTHER REPORTS**

**Supervisor Maerten** reported that the sales tax collected for November 2020 was \$114,965.79. This is a decrease of \$9,708.96 when compared with November 2019. The year to date received is \$1,492,602.74 which is a decrease of \$47,243.20 from 2019.

**COMMITTEE APPOINTMENTS 2021**

Assessment	Councilman Fischer, Councilman Leible
Building Inspections & Code Enforcement	Councilman Graham, Supervisor Maerten
Building & Capital Improvements	Councilman Graham, Councilman Leible
Business Development	Councilman Evchich, Councilman Graham
Fire Company Service Award	Councilman Evchich, Councilman Fischer
Fire Board	Councilman Leible, Supervisor Maerten
Insurance	Councilman Evchich, Supervisor Maerten
Town Newsletter	Councilman Leible
Water & Sewer	Councilman Graham, Councilman Leible
Highway & Drainage	Councilman Evchich, Councilman Fischer
Recreation	Councilman Leible, Councilman Fischer

**PENDING APPROVAL**

Security	Councilman Graham, Councilman Leible
Conservation, Parks, & Trails	Councilman Evchich, Councilman Fischer
Ethics	Councilman Evchich
Celebrations	Councilman Leible, Supervisor Maerten

**SUPERVISOR APPOINTMENTS**

Deputy Town Supervisor	Mark Walter
Emergency Services Coordinator	Mark Walter
Town Historian	Carissa Smith
Budget Officer	Thomas Maturski

**ASSIGNMENT OF ANNUAL AUDITS**

Chief Fiscal Officer	Councilman Graham
Town Clerk/Tax Collector	Councilman Fischer
Town Justice – Judge Mack	Councilman Evchich
Town Justice – Judge Maziarz	Councilman Leible

Supervisor Maerten reported that he submitted a letter to the NYS Department of Transportation (DOT) regarding traffic safety on Campbell Boulevard near Tonawanda Creek Road. He also stated that he is working on a NYS Public Employer Health Emergency Plan which he will share with the Town Board and department heads for feedback. Lastly, Mr. Maerten commented on a previous request to have Public Works staff cross-trained to perform the water billing clerical duties in the event of an emergency and to prevent water bills from going out late again. He is asking that matter be resolved.

**OTHER REPORTS**

**Councilman Leible** read the Water/Sewer Department Report from December highlighting the work that was performed during the month. He also reported that the Central Niagara Baseball and Softball Association (CNBSA) will not be providing services to the Town this year. He will reach out to the Pendleton Athletic Booster Association (PABA) to see if they are interested. He will also review the previous years' contracts to determine if the equipment used by CNBSA should be turned over to the Town.

**Councilman Fischer** read the Highway Department Monthly Report for December. He also stated that the Length of Service Award Program (LOSAP) audit had to be rescheduled due to the pandemic.

**Councilman Graham** reported that the heating and cooling project in the Highway Garage is almost complete. He also mentioned that he noticed that the airport on Transit Road has a "pending sale" sign. He didn't know what exactly might happen at that location but felt that it will be exciting to see what it could bring for the town.

**Councilman Evchich** stated that he recently spoke with Highway and Water/Sewer Superintendent Stowell about a snowplow issue on Lakeview Court and the hiring of a cleaner for the Highway Garage.

**Engineer Britton** reported that the construction project at The Meadows at Pendleton North has been shut down for now until the ground hardens. He also stated that he received an updated quote for the Salt Barn and will provide Supervisor Maerten with a copy.

**Former Budget Officer Bergman**, who was in attendance, reported that the budget transfers that will be approved tonight are for payments made through December 31, 2020. He stated that there will potentially be additional budget transfers once the final bills for 2020 are received.

**DEPARTMENT HEADS**

**Town Clerk Maurer** stated that she has posted the monthly and year-end reports for the Town Clerk's Office online for review. She also stated that her office has been very busy this month due to tax collection and fielding calls regarding the refuse collection process.

**PENDING APPROVAL**

**Highway and Water/Sewer Superintendent Stowell** reported that he had met with Councilmen Graham and Leible in the past regarding the cross-training at Public Works and will continue to discuss that issue with them. Mr. Stowell provided updates on various items related to the Public Works Department including the new refuse tote lids, snowplowing on Lakeview Court, the new furnace and the hiring of a cleaner. He also commented on off-road drainage issues, commercial sewer/water lines, the status of access to the cameras, and potential easements for the Town for access to sewer/water lines for new homes.

**Building Inspector Diedrich** stated that work in the Building Department has slowed down for the time being. He said that his door is always open and he is available for any questions which anyone might have.

**Assessor Chisholm** reported that things are going smoothly in his office.

**NEW BUSINESS**

RESOLUTION 04-21

**ARCHITECTURAL SERVICES - COMMUNITY CENTER**

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 a recreational park located at 6570 Campbell Boulevard, and

WHEREAS, the Town Board has submitted an application for grant funding for the construction of a new community center to be located within the recreational park, and

WHEREAS, professional assistance focused on the design of the new community center is necessary, and

WHEREAS, a proposal has been received from Life by Design and Life by Design is deemed to be a responsible and appropriate provider of architectural design services, and

WHEREAS, per the Town's adopted procurement policy the specified architectural design services are considered professional services and therefore exempt from solicitation of multiple proposals or quotes,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021 that the proposal for architectural services from Life by Design is accepted for an amount not to exceed \$18,500.00, the Supervisor is hereby authorized to sign an agreement with Life by Design, and this resolution shall take effect immediately.

RESOLUTION 05-21

**PROCUREMENT OF REFUSE AND RECYCLING TOTES**

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

Nays 0

WHEREAS, property owners and residents of the Town of Pendleton desire to continue reliable and efficient refuse and recycling collection on an appropriate schedule, and

WHEREAS, the Town of Pendleton has contracted with Modern Corporation for refuse and recycling collection and the current contract expired on December 31, 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, at the September 14, 2020 meeting of the Town Board of the Town of Pendleton the new contract proposal from Modern Corporation was accepted as Modern Corporation's submission was the lowest cost response to the municipal consortium's request for proposals for refuse and recycling collection, and

**PENDING APPROVAL**

WHEREAS, the contract with Modern Corporation which commenced on January 1, 2021 requires that all Town of Pendleton properties eligible for refuse and recycling collection must have an acceptable refuse tote in addition to acceptable recycling tote, and

WHEREAS, acceptable refuse and recycling totes as required by the new contract may be acquired through a Massachusetts State Contract that allows New York governments to “piggyback” with the published per unit cost, which varies for each item, and

WHEREAS, based on current and future refuse and recycling tote needs of the Town of Pendleton, it is necessary to acquire refuse and recycling totes as well as replacement and repair components for the totes,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021 that the Town Board authorizes the purchase of 95 gallon and 65 gallon totes, as well as repair and replacement items, as outlined on the included quote for a cost not to exceed \$21,465.82 from Rehrig Pacific Company. This resolution shall take effect immediately.

RESOLUTION 06-21

**ACQUISITION OF PERMITS – UTILITY INSTALLATIONS**

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, operates, and maintains infrastructure that includes water distribution, sewer collection, and drainage systems; and

WHEREAS, the Town of Pendleton Highway, Water, and Sewer Departments are responsible for all-aspects of operation of such infrastructure systems, including connection to new users, and

WHEREAS, components of Town of Pendleton infrastructure is located within right of ways owned and regulated by other government entities, including New York State and Niagara County, and

WHEREAS, new connections to Town of Pendleton infrastructure and maintenance of certain components located within right of ways not owned and regulated by the Town of Pendleton may result in expenses to the Town of Pendleton for acquisition of permits and related compliance with requirements imposed by such governmental entities,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021:

- A) All expenses incurred by the Town of Pendleton from acquisition of permits and compliance with regulations charged by other governmental entities for new connections to Town-owned infrastructure are to be paid by the parcel owner.
- B) All expenses incurred by the Town of Pendleton from acquisition of permits and compliance with regulations charged by other governmental entities resulting from the maintenance of infrastructure directly servicing an individual parcel may be payable by the parcel owner at the discretion of the Highway Superintendent or Water & Sewer Superintendent.
- C) Any unpaid fees charged by other governmental entities from efforts expended by the Town of Pendleton as outlined in A and B shall be levied on the parcels next year’s tax bill.
- D) This resolution shall take effect immediately.

Farmer’s Market Account

Supervisor Maerten explained that the farmer’s market, established in 2010, hasn’t been active for more than five years. There is currently money remaining in the Farmer’s Market account. He stated that it was recommended by the Town’s accountant that we close this

**PENDING APPROVAL**

account. He also stated that this can be readdressed should there be future interest in a farmer's market in the future.

**RESOLUTION 07-21**

**FARMER'S MARKET ACCOUNT**

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 was the sponsoring agency for a farmer's market as established by resolution of the Town Board on March 2, 2010; and

WHEREAS, operation of the farmer's market has ceased and no further expenses or revenues associated with such operation are anticipated, and

WHEREAS, maintenance of an account dedicated to farmer's market funds is no longer necessary,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021 that the Town Supervisor is authorized to close the Farmer's Market account held by Evans Bank and the balance of the Farmer's Market account shall be returned to the General Fund. This resolution shall take effect immediately.

**RESOLUTION 08-21**

**WENDELVILLE FIRE COMPANY - LENGTH OF SERVICE AWARD PROGRAM - COVID RESPONSE**

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

WHEREAS, as authorized by Article 11-A of the New York State General Municipal Law the Town Board of the Town of Pendleton established a Service Award Program for active volunteer firefighter members of the Wendelville Fire Company, Inc. (Wendelville Fire Company); and,

WHEREAS, active volunteer firefighters earn Service Award Program service credit under the Service Award Program Point System adopted by the Town Board of the Town of Pendleton; and,

WHEREAS, in response to the outbreak of Novel Coronavirus, COVID-19, NYS Governor Andrew Cuomo declared a STATE DISASTER EMERGENCY and issued EXECUTIVE ORDER 202 OF 2020. In response to the STATE DISASTER EMERGENCY New York State fire districts, towns, villages, cities and/or their volunteer fire department/company officials adopted Special Response Rules restricting volunteer firefighter responses to emergency responses and/or restricting the holding of activities for which points could be earned during the STATE DISASTER EMERGENCY; and,

WHEREAS, the adoption of the Special Response Rules has affected the ability of active volunteer firefighters to earn points in service award programs; and

WHEREAS, in recognition of the negative effect these Special Response Rules has on the ability of active volunteer firefighters to earn service credit during 2020 under service award program point systems, New York State legislators and Governor Andrew Cuomo enacted legislation intended to prevent active volunteer firefighters, who would have earned service award program service credit during 2020, from failing to earn a year of service award program service credit during 2020 due to the adoption of Special Response Rules; and,

WHEREAS, this legislation, Chapter 113 of 2020 of the Laws of the State of New York, authorizes the Town Board of the Town of Pendleton to adopt a resolution to amend the Town of Pendleton Service Award Program point system by adding a new category to the point system under which up to five (5) points per month (prorated for periods of less than one month) may be awarded to active volunteer firefighter members of the Wendelville Fire Company during the period when the Special Response Rules are in effect; and

**PENDING APPROVAL**

WHEREAS, should the Town Board elect to adopt such a resolution, Chapter 113 of the Laws of 2020 of the State of New York provides that the adoption of such resolution does not require approval of Town of Pendleton residents at a Town election,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of January 2021 that the following new category shall be added to the Town of Pendleton Service Award Program Point System:

**COVID-19 Pandemic of 2020**

As a result of the COVID-19 Pandemic of 2020, the governing board of the Wendelville Fire Company adopted Special Response Rules under which the activities for which active volunteer firefighter members of the Wendelville Fire Company could earn points under the Town of Pendleton Service Award Program point system were reduced effective as of April 1, 2020. Such reduction in activities will continue until the effective date the Special Response Rules are rescinded and all volunteer firefighter activities restored and restrictions on such activities removed by the governing board of the Wendelville Fire Company. From the effective date of the adoption of the Special Response Rules to the effective date that such Rules are rescinded, all active volunteer firefighter members of the Wendelville Fire Company shall be awarded five (5) points per month with such number of points prorated for periods of less than a complete month. In no event shall points be awarded to active volunteer firefighters in accordance with Chapter 113, after January 1, 2021, unless NYS Governor Andrew Cuomo once again extends Executive Order 202 of 2020.

As soon as administratively feasible after the adoption of this resolution by the Town Board, active volunteer firefighter members of the Wendelville Fire Company shall be given a written Notice of Amendment announcing the adoption of, and including an explanation of, this additional category to the point system. As soon as administratively feasible, after the governing board of the Wendelville Fire Company rescinds the Special Response Rules, a second Notice of Amendment shall be given to active volunteer firefighters stating the effective date that the Special Response Rules have been rescinded, and indicating the number of points to be awarded to each active volunteer firefighter during the period when the Special Response Rules were in effect.

Since this amendment to the Town of Pendleton Service Award Program points system is intended to prevent active volunteer firefighters who would otherwise have earned service award program credit under the point system during 2020 from failing to earn credit during 2020, the adoption of this resolution is expected to have little if any effect on the annual cost of the Town of Pendleton Service Award Program.

All other provisions of the Town of Pendleton Service Award Program shall not change as a result of the adoption of this resolution and the program shall continue to be administered by the Town of Pendleton in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

**RESOLUTION 09-21**

**REQUEST FOR QUOTES - TOWN HALL LANDSCAPING/LAWN MAINTENANCE**

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 the Town Hall located at 6570 Campbell Boulevard; and

WHEREAS, the residents of this great town have an expectation that the visual appearance of the exterior of the Town Hall maintains an orderly and professional appearance at all times, and

WHEREAS, landscaping maintenance, lawn spraying, and similar efforts are outside of the scope of the duties and expertise of the Town's employees, and

WHEREAS, the adopted procurement policy specifies a need to obtain multiple proposals for services for expenditures of the amount anticipated for maintenance and upkeep of the Town Hall landscaping,

**PENDING APPROVAL**

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021 that advertisement for requests for proposals for landscape maintenance, lawn spraying, and related efforts is authorized as detailed in the Request for Proposals. This resolution shall take effect immediately.

**RESOLUTION 10-21**

**REQUEST TO THE PLANNING BOARD TO REVIEW TOWN CODE REVIEW**

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 has contracted with Modern Disposal Services for refuse and recycling collection and the previous contract expired on December 31, 2020, and

WHEREAS, the Town Board of the Town of Pendleton has approved a successor contract with Modern Disposal Services that commenced on January 1, 2021 with terms outlined in a resolution passed on September 14, 2020, and

WHEREAS, the contract for refuse and recycling collection between the Town of Pendleton and Modern Disposal Services includes changes to the previous program to decrease long-term costs resulting from collection and disposal of refuse and recycling materials, and

WHEREAS, changes to the refuse and recycling collection program may necessitate updates to the Town Code,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021 that the Planning Board is hereby requested to review the Town Code, identifying additions, deletions, and modifications necessary to reflect the current refuse and recycling collection program. Furthermore, the Planning Board is asked to collaborate with Code Enforcement, Public Works, Assessment, and the Town Clerk's Office during this review, soliciting feedback, subsequently communicating any and all recommendations to the Town Board in a timely manner.

**RESOLUTION 11-21**

**REPEAL OF COMMERCIAL REFUSE COLLECTION RESOLUTION**

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 has contracted with Modern Disposal Services for refuse and recycling collection and the previous contract expired on December 31, 2020, and

WHEREAS, the Town Board of the Town of Pendleton has approved a successor contract with Modern Disposal Services that commenced on January 1, 2021 with terms outlined in a resolution passed on September 14, 2020, and

WHEREAS, the contract for refuse and recycling collection between the Town of Pendleton and Modern Disposal Services allows the Town the option to allow refuse collection for ineligible parcels with conditions specified by the Town, and

WHEREAS, a resolution extending refuse collection to ineligible parcels was passed by the Town Board on December 14, 2020, and

WHEREAS, Modern Disposal Services has subsequently communicated to the Town of Pendleton that Modern Disposal Services is no longer in agreement with extending the Town's refuse collection program to some or all ineligible parcels,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021 that the resolution [RESOLUTION 208-20] extending refuse collection services to ineligible parcels, offered and unanimously approved at the December 14<sup>th</sup>, 2020 regular meeting, is repealed. This resolution shall take effect immediately.

**RESOLUTION 12-21**

**2021 ASSESSMENT ROLL - EXEMPTION RESOLUTION**



**PENDING APPROVAL**

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

WHEREAS, on December 18, 2020, the Governor issued Executive Order 202.83, a portion of which includes a local option pertaining to Senior Citizens' and Persons with Disabilities' partial property tax exemption, Subdivisions 7, 7-a and 8 of Section 459-c of the Real Property Tax Law (Partial Tax Exemption for Persons with Disabilities), and Subdivisions 5, 5-a, 5-b, 5-c and 6 of Section 467 of the Real Property Tax Law (Partial Tax Exemption for Low Income Senior Citizens), to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received either of those exemption on the 2020 assessment roll, unless there has been a change in status that would no longer qualify the homeowner, dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons, and

WHEREAS, the Town is desirous to adopt such resolution while also allowing the assessor to require a renewal application to be filed when the assessor has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed primary residence, added another owner to the deed, transferred the property to a new owner, or died,

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Pendleton directs the Town Assessor, pursuant to the NYS Governor's Executive Order 202.83 Continuing Temporary Suspension and Modification of Laws relating to the pandemic disaster emergency, specifically as it pertains to Senior and Disability Exemptions, Section 467 and 459c of the Real Property Tax Law, to grant exemptions on the 2021 Assessment Roll to all property owners who received that exemption on the 2020 Assessment Roll, except in the case that there is a change of status that would no longer qualify the homeowner, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons.

**RESOLUTION 13-21**

**BUDGET LINE TRANSFERS**

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 budget line transfers, as verbally reported by the Budget Officer, for the end 2020, as follows:

**Fund: General Fund**

<u>Account</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
A1220.4	Supervisor, Contractual	\$ 465.00	
A1320.4	Ind Audit & Accounting, Contractual	\$ 2,535.00	
A1420.43	Attorney, Professional Fees	\$ 6,440.00	
A1440.413	Engineer, General	\$ 1,000.00	
A1440.421	Engineer, Salt Barn & Generator	\$ 2,820.00	
A1620.1	Town Hall, Personal Services	\$ 1,500.00	
A1620.11	Town Hall, Personal Services, Cleaner	\$ 400.00	
A1910.4	Special Items, Unallocated Insurance	\$ 2,760.00	
A1920.4	Special Items, Municipal Association Dues	\$ 100.00	
A3620.4	Safety Inspection, Contractual	\$ 2,120.00	
A5010.1	Highway Superintendent, Personal Services	\$ 205.00	
A6326.4	Economic Opportunities, Contractual	\$ 100.00	
A7180.1	Bike Path, Personal Services	\$ 1,900.00	
A8020.4	Planning Board, Contractual	\$ 2,350.00	
A9010.8	NYS Retirement	\$ 2,675.00	

**PENDING APPROVAL**

A1670.4	Central Printing & Mailing, Contractual	\$	500.00	
A1990.4	Special Items, Contingent Account			\$ 27,870.00

**Fund: Highway Townwide**

<u>Account</u>	<u>Description</u>		<u>Debit</u>	<u>Credit</u>
DA5110.413	Maintenance, Fisk Road	\$	1,235.00	
DA5110.4	General Repairs, Contractual			\$ 1,235.00
DA5110.422	General Repairs, Professional Fees – CP&L	\$	14,400.00	
DA5110.4	General Repairs, Contractual			\$ 14,400.00
DA5130.1	Machinery, Personal Services	\$	12,300.00	
DA1990.4	Contingency			\$ 12,300.00
DA5130.2	Machinery , Fixed Assets	\$	19,100.00	
DA200.2	Highway Equipment Reserve			\$ 17,421.00
DA1990.4	Contingency			\$ 1,679.00
DA5130.4	Machinery, Contractual	\$	1,450.00	
DA1990.4	Contingency			\$ 1,450.00

**Fund: Refuse and Garbage District**

<u>Account</u>	<u>Description</u>		<u>Debit</u>	<u>Credit</u>
SR8160.4	Contractual	\$	18,000.00	
SR8160.401	Tire & Recycling Expenses	\$	1,000.00	
SR8160.403	Refuse Totes	\$	131,000.00	
SR915	Unappropriated Fund			\$ 150,000.00

**Fund: Sewer Improvement**

<u>Account</u>	<u>Description</u>		<u>Debit</u>	<u>Credit</u>
SS8110.2	Administration, Office Equipment	\$	2350.00	
SS8120.45	Sewage Collecting System, Pump Station Maintenance	\$	1700.00	
SS9010.8	Employee Benefits, NYS Retirement	\$	250.00	
SS1990.4	Contingency			\$ 4300.00

**Fund: Water Maintenance**

<u>Account</u>	<u>Description</u>		<u>Debit</u>	<u>Credit</u>
SW8310.1	Administration, Personal Services	\$	2,300.00	
SW8310.2	Administration, Equipment	\$	7,150.00	
SW8310.43	Administration, Professional Fees	\$	2,700.00	
SW9010.8	Employee Benefits, NYS Retirement	\$	4,500.00	
SW9060.8	Employee Benefits, Hospital & Medical	\$	8,850.00	
SW8340.1	Transportation & Distribution, Personal Services			\$ 2,300.00
SW8340.2	Transportation & Distribution, Fixed Assets			\$ 2,000.00
SW1990.4	Contingency			\$ 10,000.00
SW915	Unappropriated Fund			\$ 11,200.00

RESOLUTION 14-21

**WENDELVILLE FIRE COMPANY – NEW MEMBERS**

Motion by Councilman Leible, seconded by Councilman Fischer, 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

**PENDING APPROVAL**

WHEREAS, the Secretary of the Wendelville Fire Company communicated to the Town Clerk of the Town of Pendleton the name of two prospective new members who were accepted by a majority vote of the fire company membership at their regular meeting on January 7, 2021;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021, that Luke Deberny and Lucas Frew shall be accepted as new members of the Wendelville Fire Company, Inc. effective immediately.

**RESOLUTION 15-21**

**PATROL REQUEST TO NIAGARA COUNTY SHERIFF**

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 Board of the Town of Pendleton has previously collaborated with the Niagara County Sheriff's Office (NCSO) to established extra patrols in the Town, and

WHEREAS, the additional patrols are appreciated by Town residents and serve to increase public safety, and

WHEREAS, continuation of additional NCSO patrols paid for by the Town of Pendleton requires a formal request from the Town to the NCSO,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021 that the Niagara County Sheriff's Office is formally requested to seek approval from the Niagara County Legislature to schedule at the direction of the Town of Pendleton additional patrols up to an amount not to exceed \$10,000.00. This resolution shall take effect immediately.

Schedule Public Hearing – Public Use of Motorized Vehicles on Town Property

Supervisor Maerten read the proposed resolution to schedule a Public Hearing to allow public comment on potential changes to Town Code concerning the operation of limited use vehicles on Town property. Councilman Leible asked to make a motion to discuss this further at a Work Session before passing the resolution stating that he doesn't think it is fair and noting that he has additional considerations that he would like to discuss. Supervisor Maerten acknowledged that there are other things to consider, including an exemption for snowmobiles, but noted that this resolution is merely to schedule the Public Hearing to allow feedback from the public. He suggested that the discussion continues at the upcoming Work Session.

**RESOLUTION 16-21**

**SCHEDULE PUBLIC HEARING – PUBLIC USE OF MOTORIZED VEHICLES ON TOWN PROPERTY**

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

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

WHEREAS, the Town of Pendleton owns and maintains properties located in multiple locations of the Town, and

WHEREAS, the Town of Pendleton owns and maintains a multiple use trail that traverses the Town from Townline Road to Lockport Road, crossing Killian Road, Meyer Road, Campbell Boulevard, Feigle Road, and Mapleton Road (the "Linear Multiple Use Trail"), and

WHEREAS, historically this Linear Multiple Use Trail has been open to use for activities that include, but are not limited to, walking, bicycling, horseback riding, and operation of all-terrain vehicles (ATV) and snowmobiles, and

WHEREAS, increased use of the Town's Linear Multiple Use Trail has led to increased safety concerns, and

**PENDING APPROVAL**

WHEREAS, to address such concerns the Town Board has solicited community feedback and review of the Town Code by the Planning Board, and

WHEREAS, it has been determined that the increased activity of motorized vehicles on the Town-owned and maintained Linear Multiple Use Trail is of foremost importance to be addressed,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021 hereby schedules a Public Hearing for the 8<sup>th</sup> day of February 2021, at 6:55 p.m., for amendment of the Town Code and the adoption of this Ordinance to be included in such Code concerning the operation of limited use vehicles as more fully set forth in the provisions of New York Vehicle and Traffic Law § 2261 on any and all properties owned by the Town of Pendleton:

- 1) Nonresidents of the Town of Pendleton are prohibited from use of "limited use vehicles" as more fully set forth in the provisions of New York Vehicle and Traffic Law § 2261 on any and all Town of Pendleton properties.
- 2) Except as hereinafter provided, no resident of the Town of Pendleton shall operate any "limited use vehicle" on any of the Town of Pendleton owned properties unless the following requirements have been satisfied and are in all respects current and in full force and effect:
  - a) such "limited use vehicle" has been registered in accordance with the provisions of New York Vehicle and Traffic Law § 2261, and the registration for such limited use vehicle is in full force and effect, and the registration number plate or plates are displayed in accordance with the provisions of New York Vehicle and Traffic Law § 2261.
  - b) such "limited use vehicle" has been registered with the Clerk of the Town of Pendleton and an annual use fee of twenty-five and 00/100 dollars (\$25.00) has been paid.
  - c) proof of insurance of such "limited use vehicle" has been provided to the Clerk of the Town of Pendleton at the time of registering such vehicle with the Clerk of the Town of Pendleton (the amount of the required insurance coverages shall be established annually by the Town of Pendleton).
  - d) A waiver and release of liability of the Town of Pendleton together with an agreement to indemnify the Town of Pendleton from any and all liability shall be signed and filed with the Clerk of the Town of Pendleton at the time of such annual registration.
  - e) The use by residents of "limited use vehicles" shall be in all respect limited to the non-paved portions of the Linear Multiple Use Trail, and any additional areas that are designated for Vehicular Traffic and Vehicular Parking.
- 3) Any violation of this ordinance shall be punishable by a minimum fine of not less than \$100.00 and a maximum fine not to exceed \$500.00.
- 4) This resolution shall take effect immediately.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into an Executive Session first for litigation with the Town Assessor, Town Attorney and Deputy Town Supervisor then continue with discussion on a personnel item in the Highway Department with the Town Attorney and the Deputy Town Supervisor at 8:35 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session at 8:56 p.m. Motion carried.

**RESOLUTION 17-21**

**DASNY QUESTIONNAIRE**

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 of Pendleton has applied for a State and Municipal Facilities Program ("SAM") Grant in the amount of \$250,000, and

**PENDING APPROVAL**

WHEREAS, this Grant will be used for the purchase of a generator and construction of a salt storage facility for the Highway Garage located at 6640 Campbell Boulevard, and

WHEREAS, the grant application as submitted through the State and Municipal Facilities Program ("SAM") is titled *Purchase of a Generator and Construction of a Salt Storage Facility* and has Project ID: #23967, and

WHEREAS, the grant is administered by the Dormitory Authority of New York (DASNY), and

WHEREAS, grant requirements include accurate completion and submittal of the Grant Programs Municipal Grantee Questionnaire with the signature of the Town's authorized officer, and

WHEREAS, the Grant Programs Municipal Grantee Questionnaire Section III, Question #2e reads, "Within the past five (5) years, has the Grantee or any Elected or Appointed Official on the Governing Board, Zoning Board, Planning Board, or other Municipal Board or body of the Grantee been subject to any of the following: a criminal investigation or indictment for any business-related conduct constituting a crime under Federal, State or Local government?", and

WHEREAS, Highway Superintendent Jeff Stowell, an elected official of the Town of Pendleton, has been indicted by a Niagara County grand jury for multiple counts of criminal activity related to execution of his public position,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of January 2021 that the Supervisor is directed to answer "Yes" to Section III, Question 2e of the DASNY Grant Programs Municipal Grantee Questionnaire and submit said document as a requirement of the grant application process.

**ORGANIZATION – FISCAL - AUTHORIZATIONS**

**RESOLUTION 18-21**

**OFFICIAL DEPOSITORY**

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

Resolved that Evans Bank, headquartered in Hamburg, New York, is designated an authorized depository for 2021.

**RESOLUTION 19-21**

**OFFICIAL TOWN NEWSPAPER**

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

Resolved to designate the Union Sun & Journal as the town's official newspaper.

**RESOLUTION 20-21**

**PETTY CASH FUNDS**

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

Resolved to establish the following petty cash funds: Town Clerk; \$250.00, Tax Collector; \$300.00, Water District; \$100.00, and Sewer District; \$100.00.

**RESOLUTION 21-21**

**MEETING DATES**

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

Resolved to schedule the Regular Town Board Meetings for the second Monday of each month at 7:00 p.m.

**PENDING APPROVAL**

**RESOLUTION 22-21**

**PAYROLL**

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

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

Resolved to pay the following employees on a **bi-weekly** basis: Supervisor, Town Clerk, Assessor, Highway and Water/Sewer Superintendent, Highway, Water and Sewer Department personnel, Building Inspectors, Supervisor's Secretary, general clerks, laborers, justice clerks, Planning Board Administrative Assistant, and Town Constables; **quarterly**: Town Justices, Councilmen, Dog Control Officer and Recreation Director; and **annually**: Planning Board, Zoning Board of Appeals, Conservation Advisory Council, Board of Assessment Review, Registrar of Vital Statistics, Budget Officer and Town Historian.

**RESOLUTION 23-21**

**TOWN CONSTABLES**

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

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

Resolved to appoint Patrick Williams, George Julius, Kenneth Jonmaire, Kevin Locicero, and Michael Kloch Jr. as Constables.

**RESOLUTION 24-21**

**TOWN ENGINEER**

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

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

Resolved to reappoint Dave Britton of GHD Consulting Services as Town Engineer.

**RESOLUTION 25-21**

**PLANNING BOARD MEMBER**

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

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

Resolved to appoint Anthony Dell'Isola to a seven-year term on the Planning Board.

**RESOLUTION 26-21**

**RECREATION COMMITTEE MEMBER**

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

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

Resolved to appoint Beatrice Mattina to a seven-year term on the Recreation Committee.

**RESOLUTION 27-21**

**CONSERVATION ADVISORY COUNCIL MEMBERS**

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

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

Resolved to appoint Tobias Fronmuller, Andrew Harrison, Jessica Glaser and Trevor Krabbenhoft to a one-year term each on the Conservation Advisory Council.

Appointment of Zoning Board of Appeals Member – 5-year Appointment

This agenda item was tabled as no letters of interest have been received for this appointment. The Town Board would like to thank Mr. Lee Daigler for his 20+ years of services as a member of the Zoning Board of Appeals.

**RESOLUTION 28-21**

**APPOINTMENT OF BOARD/COMMITTEE CHAIRPERSONS**

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

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

**PENDING APPROVAL**

Resolved to reappoint Joseph McCaffrey as the chairperson of the Planning Board, Wolfgang Buechler as the chairperson of the Zoning Board of Appeals and Tobias Fronmuller as the chairperson of the Conservation Advisory Council.

**RESOLUTION 29-21**

**APPOINTMENT OF PLANNING BOARD ADMINISTRATIVE AND SECRETARY**

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

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

Resolved to reappoint John Higgins as the Planning Board Administrative Assistant and Secretary.

**RESOLUTION 30-21**

**RECREATION DIRECTOR**

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

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

Resolved to reappoint Beatrice Mattina as Recreation Director.

**RESOLUTION 31-21**

**APPOINTMENT OF TOWN PROSECUTORS**

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

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

Resolved to reappoint Theodore Joerg and John Sansone as Town Prosecutors.

**RESOLUTION 32-21**

**REGISTRAR OF VITAL STATISTICS, RECORDS MANAGEMENT OFFICER AND INVESTIGATOR OF BINGO AND GAMES OF CHANCE**

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

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

Resolved to reappoint Town Clerk Deborah Maurer as Registrar of Vital Statistics, Records Management Officer and Investigator of Bingo and Games of Chance.

**RESOLUTION 33-21**

**DEPUTY TOWN CLERKS**

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

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

Resolved to reappoint Noreen Lemma as First Deputy Town Clerk and reappoint Stephanie Chase and Kimberly Frey as additional Deputy Town Clerks.

**RESOLUTION 34-21**

**DEPUTY REGISTRAR OF VITAL STATISTICS**

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

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

Resolved to reappoint Noreen Lemma as Deputy Registrar of Vital Statistics.

**RESOLUTION 35-21**

**DEPUTY TAX COLLECTOR**

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

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

Resolved to reappoint Noreen Lemma as Deputy Tax Collector.

**RESOLUTION 36-21**

**DEPUTY HIGHWAY SUPERINTENDENT**

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

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

Resolved to reappoint Craig Walter as Deputy Highway Superintendent.

**PENDING APPROVAL**

RESOLUTION 37-21

**STORMWATER MANAGEMENT OFFICER (SMO)**

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

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

Resolved to appoint Building Inspector Ronald Diedrich as the Town's Stormwater Management Officer.

Code of Ethics Appointment

This agenda item was postponed by Supervisor Maerten.

RESOLUTION 38-21

**AUTHORIZATION FOR CODE ENFORCEMENT OFFICER TO PROCEED WITH ISSUING VIOLATIONS FOR NOT MAINTAINING GRASS**

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 the Building Inspector/Code Enforcement Officer to proceed for the work to be done, with the expense to be assessed upon the affected properties, and the assessment constituting a lien and charged upon such properties providing that notice has been given, and no response or action was taken by the home to control brush, grass and/or weeds.

RESOLUTION 39-21

**AUTHORIZATION FOR MILEAGE REIMBURSEMENT**

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 mileage reimbursement to be paid, as outlined in the Town's Vehicle Use Policy.

RESOLUTION 40-21

**PROCUREMENT POLICY**

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

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

Resolved to reauthorize the Town's Procurement Policy.

RESOLUTION 41-21

**CODE OF ETHICS**

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

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

Resolved to renew the current Code of Ethics.

RESOLUTION 42-21

**SEXUAL HARASSMENT POLICY**

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

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

Resolved to renew the current Sexual Harassment Policy.

RESOLUTION 43-21

**WORKPLACE VIOLENCE POLICY**

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

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

Resolved to renew the current Workplace Violence Policy.

RESOLUTION 44-21

**AUTHORIZATION FOR SUPERVISOR**

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



**PENDING APPROVAL**

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

Resolved to authorize the Supervisor to invest surplus monies pursuant to Town Law, pay principal and interest on debts, pay utility and necessary bills prior to audit.

RESOLUTION 45-21

**AUTHORIZE HIGHWAY SUPERINTENDENT**

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 the Highway Superintendent to purchase stone, oil, culvert pipe, etc., within budget, at County prices.

RESOLUTION 46-21

**PURCHASE OF WATER FROM NEIGHBORING TOWNS**

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 Water Department provides water service to all properties located within the Town's borders; and

WHEREAS it is necessary for the Town of Pendleton to purchase water from the Towns of Cambria, Lockport, and Wheatfield for water supply for select properties serviced by the Town; and

WHEREAS quarterly expenditures for the purchase of water from neighboring towns may require approval by the Town Board per the Town's procurement policy adopted January 11, 2021;

THEREFORE, BE IT RESOLVED that the Water Superintendent or Deputy Water Superintendent may submit vouchers for payment of invoices for water supplied by the Towns of Cambria, Lockport, and Wheatfield without delay for approval of the Town Board for the 2021 budget year and such payment issued with the next payment cycle.

RESOLUTION 47-21

**PURCHASE OF WATER FROM NIAGARA COUNTY**

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 Water Department provides water service to all properties located within the Town's borders; and

WHEREAS it is necessary for the Town of Pendleton to purchase water from the Niagara County Water District; and

WHEREAS invoices for the purchase of water from the Niagara County Water District may require approval by the Town Board per the Town's procurement policy adopted January 11, 2021;

THEREFORE, BE IT RESOLVED that the Water Superintendent or Deputy Water Superintendent may submit vouchers for payment of invoices for water purchased from the Niagara County Water District without delay for approval of the Town Board for the 2021 budget year and such payment issued with the next payment cycle.

RESOLUTION 48-21

**PROCUREMENT OF ROAD SALT**

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

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

WHEREAS winter road maintenance is an essential duty of the Town of Pendleton Highway Department; and

**PENDING APPROVAL**

WHEREAS rock salt is an essential material used in the performance of winter road maintenance; and

WHEREAS the Town of Pendleton may procure rock salt from American Rock Salt Company LLC at a price set by the New York State Office of General Services – Procurement Services;

THEREFORE, BE IT RESOLVED that Highway Department may procure during the 2021 budget year up to the estimated amount of 2640 tons of rock salt from American Rock Salt Company LLC at the price set by the New York State Office of General Services – Procurement Services.

**RESOLUTION 49-21**

**MEMBERSHIP**

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 annual membership for the Town of Pendleton for the following:

- Association of Public Historians of New York (APHNY)
- New York Planning Federation (NYPF)
- New York State Association of Tax Receivers and Collectors (NYSATRC)
- New York State Association of Towns (NYSAT)
- New York State Assessors Association (NYSAA)
- New York State Association of Magistrates Court Clerks (NYSAMCC)
- New York State Magistrates Association (NYSMA)
- New York State Town Clerk’s Association (NYSTCA)
- Niagara County Assessors Association (NCAA)
- Niagara County Municipal Clerks Association (NCMCA)
- Niagara County Supervisors Association (NCSA)

**RESOLUTION 50-21**

**YEARLY FUNDING – HISTORICAL SOCIETY**

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

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

Nays 0

Resolved to provide yearly funding for the Pendleton Historical Society as budgeted.

**RESOLUTION 51-21**

**WENDELVILLE FIRE COMPANY – TOWN CONTRACT**

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

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

Nays 0

Resolved to sign the agreement and provide yearly funding for the Wendelville Fire Company for Fire Protection in the amount of \$ 350,257.00.

**RESOLUTION 52-21**

**WENDELVILLE FIRE COMPANY – FUEL PURCHASE AGREEMENT**

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 the Wendelville Fire Company to purchase fuel from the town.

**RESOLUTION 53-21**

**YEARLY AGREEMENTS**

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 the Supervisor to sign the following yearly agreements:

- Pendleton Athletic Booster Association (PABA)
- Niagara Community Action Program (NIACAP)
- Niagara County SPCA
- Pivot Punch

**PENDING APPROVAL**

**RESOLUTION 54-21**

**YEARLY AGREEMENT - STARPOINT**

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 the Supervisor to sign the yearly agreement with Starpoint Central School District.

**BOARD MEMBERS DISCUSSION**

Supervisor Maerten scheduled a Work Session for January 25th at 7:00 p.m. and stated that the next Regular Meeting is scheduled for February 8<sup>th</sup>, also at 7:00 p.m. noting that a Public Hearing will be held prior to the meeting beginning at 6:55 p.m.

**PUBLIC REMARKS/COMMENTS**

Deputy Supervisor Walter reported to the Board that according to Niagara County Undersheriff Dunn tractor trailers are not restricted on Campbell Boulevard. He also reported that there is only one NYS Police unit available to control commercial traffic, however, the Niagara County Sheriff's Office has stated that they can assign the "7<sup>th</sup> patrol car" to Beach Ridge Road and Bear Ridge Road for additional coverage.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Regular and Organizational Meeting at 9:30 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk

PENDING APPROVAL