

**TOWN OF PENDLETON**  
**WORK SESSION**  
March 22, 2021

A Work Session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 22<sup>nd</sup> day of March 2021 at 7:00 p.m. The meeting was open to the public.

Supervisor Maerten called the meeting to order at 6:08 p.m.

Supervisor Maerten, Councilman Evchich, Councilman Fischer, Councilman Graham and Councilman Leible were present.

Also present:

Deborah Maurer – Town Clerk  
Craig Walter – Deputy Highway Superintendent  
Mark Walter – Deputy Supervisor  
Dave Britton – Town Engineer  
Aaron Bair – Water/Sewer Department Employee  
Nicole Welka – Recreation Committee Member

There were four residents in attendance.

RESOLUTION 82-21

**APPROVAL OF MINUTES**

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 the meeting minutes for the Regular Meeting held on February 8, 2021, as presented by Town Clerk Maurer.

RESOLUTION 83-21

**APPROVAL OF MINUTES**

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

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

Resolved to approve the meeting minutes for the Work Session held on February 22, 2021, as presented by Town Clerk Maurer.

RESOLUTION 84-21

**ABSTRACT #6**

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

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

Resolved to authorize payment of Voucher Abstract #6, Vouchers #21-00184 to #21-00244, to be paid on March 24, 2021

General Fund	\$	15,222.44
Highway	\$	5,746.42
Refuse	\$	42,082.81
Sewer	\$	5,610.14
Water	\$	2,745.30
Trust & Agency	\$	17,787.00
Total	\$	89,194.11

Supervisor Maerten introduced Nicole Welka from the Recreation Committee who was present to speak about the upcoming baseball/softball season. A lengthy discussion occurred regarding the various teams that are interested in using the ballfields at the park. It was decided that registration for the Town sponsored league would be handled in the Town Clerk's office and all other leagues interested in playing in the Town would be required to submit a Facilities Use Agreement (FUA) for approval by the Town Board. Ms. Welka will help coordinate the process for the leagues submitting the FUAs.

RESOLUTION 85-21

**TOWN SPONSORED BASEBALL 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 authorize the establishment of an 8-year old and under baseball/softball league, to be run under the Recreation Committee, with a registration fee of \$20.00 for residents and \$40.00 for non-residents for the 2021 season.

RESOLUTION 86-21

**HIGHWAY CLEANING CONTRACT**

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 Public Works Facility located at 6640 Campbell Boulevard, and

WHEREAS, upkeep of the Public Works Facility, including regular cleaning, is important for employee and public safety and health, and

WHEREAS, proposals for cleaning services were received from multiple vendors, and

WHEREAS, it is appropriate to accept the lowest responsible proposal from a reputable provider of such services,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of March 2021 that the lowest cost proposal for clearing services received from Samoos Spotless Cleaning Services shall be accepted for two (2) cleanings per week at \$70.00 per cleaning, with an additional cost of \$85.00 per month for supplies. This resolution shall take effect immediately.

RESOLUTION 87-21

**PURCHASE OF MUELLER HYDRANTS**

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 purchase of two Mueller Hydrants from Lock City Supply, a sole source provider, for a total of \$4,825.19.

RESOLUTION 88-21

**APPROVAL OF IT EQUIPMENT/SUPPORT RENEWALS**

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22<sup>nd</sup> day of March 2021 that purchase and acquisition of the following items is authorized, each item reflecting consortium contract pricing:

- New HP desktop computer for Building Inspector - \$671.09
- Sophos Central Intercept X Advanced 3-year renewals – 26 licenses - \$2,768.48
- Sophos Central Intercept X Advanced for Server 3-year renewals – 6 licenses – 1,845.36
- Cisco SMARTnet Solution Support – Extended Hardware and Software Service Agreements for Server, 9300 Switch, 3850 Switch and Server Firewall 1-year renewal - \$3,765.38
- VMware Support and Subscription 3-year renewal - \$1,705.44
- Cisco Wireless Access Points (2), Cisco SMARTnet Extended Service Agreements (2), Cisco Aironet Antennas (8) - \$1,330.00

This resolution shall take effect immediately.

RESOLUTION 89-21

**INTERIM HIGHWAY/WATER & SEWER SUPERINTENDENT APPOINTMENT**

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

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

Nays 0

WHEREAS, the office of Highway Superintendent of the Town of Pendleton was vacated on March 11, 2021, and

WHEREAS, the elected office of Highway Superintendent will appear on the ballot for the 2021 election calendar with the successful candidate taking office on January 1, 2022, and

WHEREAS, New York Consolidated Laws, Town Law - TWN § 32 states that the Deputy Superintendent of Highways shall be vested with all the powers and duties of the Highway Superintendent as provided by law in the absence of the Highway Superintendent,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22<sup>nd</sup> day of March 2021 that Deputy Highway Superintendent Craig Walter shall be appointed as interim Highway Superintendent as follows:

- 1) Compensation shall be the aggregate annual amount approved in the 2021 budget for General, Highway, Water, and Sewer Funds, prorated for the balance of the calendar year.
- 2) Craig Walter shall also assume all duties of the Water & Sewer Superintendent through December 31, 2021, compensated as detailed in Item #1 above.
- 3) The constitutional oath of office shall be taken and filed as soon as practical.
- 4) The duties of interim Highway Superintendent shall conclude at 11:59 PM on December 31, 2021.
- 5) This resolution shall take effect immediately.

RESOLUTION 90-21

**INTERIM DEPUTY WATER & SEWER SUPERINTENDENT APPOINTMENT**

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 and Teamsters Local 264 approved a Collective Bargaining Agreement which is valid through the end of 2021, and

WHEREAS, the Collective Bargaining Agreement details the position of Deputy Water & Sewer Superintendent with corresponding compensation, and

WHEREAS, the position of Highway/Water & Sewer Superintendent was vacated on March 11, 2021, necessitating appointment of the current Deputy Highway/Water & Sewer Superintendent as interim Highway/Water & Sewer Superintendent through December 31, 2021, and

WHEREAS, such interim appointment has vacated the position of Deputy Water & Sewer Superintendent,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22<sup>nd</sup> day of March 2021 that Aaron Bair shall be appointed as interim Deputy Water & Sewer Superintendent as follows:

- 1) Compensation is specified in the current Collective Bargaining Agreement.
- 2) The duties of interim Deputy Water & Sewer Superintendent shall conclude at 11:59 PM on December 31, 2021.
- 3) This resolution shall take effect immediately.

RESOLUTION 91-21

**INTERIM DEPUTY HIGHWAY SUPERINTENDENT APPOINTMENT**

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 and Teamsters Local 264 approved a Collective Bargaining Agreement which is valid through the end of 2021, and

WHEREAS, the Collective Bargaining Agreement details the position of Deputy Highway Superintendent with corresponding compensation, and

WHEREAS, the position of Highway/Water & Sewer Superintendent was vacated on March 11, 2021, necessitating appointment of the current Deputy Highway/Water & Sewer Superintendent as interim Highway/Water & Sewer Superintendent through December 31, 2021, and

WHEREAS, such interim appointment has vacated the position of Deputy Highway Superintendent,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22<sup>nd</sup> day of March 2021 that Carl Gross shall be appointed as interim Deputy Highway Superintendent as follows:

- 1) Compensation is specified in the current Collective Bargaining Agreement.
- 2) The duties of interim Deputy Highway Superintendent shall conclude at 11:59 PM on December 31, 2021.
- 3) This resolution shall take effect immediately.

Supervisor Maerten opened up the floor to a general discussion with the Board. Councilman Evchich spoke about the Mason's Mission playground and its #1 rating in Western New York and thanked the Board for their support for that project over the years. He also provided an update on the water park the Mason's Mission is planning for the Town which he hopes can be completed by the summer of 2022.

Supervisor Maerten began dialogue regarding "yard waste" and suggestions on how the Town may be able to assist residents with the disposal of this waste. Joe Hickman from Modern Disposal was present and provided some details on how other towns deal with this issue. A lengthy discussion took place with several members of the audience. Several suggestions were made and Supervisor Maerten indicated that the Town will continue to look into different options and provide further information as it becomes available.

#### RESOLUTION 92-21

##### **PENDLETON BUSINESS ASSOCIATION COMMITMENT**

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 annual funding request from Pendleton Community & Business Association, in the amount of \$2,000.00 for business promotion activities, that will be matched by Niagara County through the William G. Mayne, Jr. Business/Community Enhancement Program to be used towards a "Pendleton Settlement Bi-Centennial Mural" commemorating the 200<sup>th</sup> anniversary of the Pendleton settlement to be placed within the Town of Pendleton with a location to be determined at a later date.

Public comments ranged from questions and concerns on the proposed ordinance for the Linear Multi-Use Trail, the Town's Pandemic Operations Plan, access to virtual meetings and the water park that was mentioned by Councilman Evchich.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into an Executive Session with the Deputy Supervisor to discuss a personnel issue at 8:35 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session at 8:58 p.m. Motion carried.

It was decided that, effective immediately, residents will be allowed to reserve pavilion rentals for dates starting on Memorial Day. The park bathrooms will also be opened at that time. Highway Superintendent Walter also shared his concerns about the parking situation for rentals on the days that the Farmers Market will be held. Mr. Walter and Councilman Graham will meet to discuss this further.

#### RESOLUTION 93-21

##### **PLANNING BOARD RESIGNATION**

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

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

Resolved to accept the resignation of David Kantor from the Planning Board effective immediately.

#### RESOLUTION 94-21

##### **ZONING BOARD OF APPEALS APPOINTMENT**

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

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

Resolved to appoint David Kantor to a five-year term on the Zoning Board of Appeals effective immediately.

Supervisor Maerten asked that everyone spread the word that there is a vacancy in the Planning Board.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Regular Meeting at 9:07 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk

PENDING APPROVAL