

**TOWN OF PENDLETON
REGULAR MEETING
February 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 February 2021 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. [It was later discovered that there were technical difficulties that prevented the live audio of the GoToMeeting.]

WORK SESSION

Supervisor Maerten opened the Work Session at 7:04 p.m. He welcomed the public that was in attendance and mentioned that he was happy to be conducting open meetings again.

Mr. Maerten began the session by opening up the floor to members of the Shawnee Sno-Chiefs Snowmobile Club who were present to share their concerns about the proposed amendments to Town Code concerning the operation of limited use vehicles on the Town's Linear Multiple Use Trail. Supervisor Maerten provided a brief review of the discussions that have occurred over the past several months regarding this topic. A draft copy of the proposed revisions was presented at the January 2021 meeting. At that time, the Board members realized that an exemption should be made for snowmobiles. The document is still in review and up for discussion and a Public hearing will be scheduled again before any final decision is made on this subject. Members of the snowmobile club joined the discussion and asked questions about community feedback, safety concerns and an explanation of the Board's opinion of the difference between "out of towners" and residents using the trail. The discussion continued with the Town Supervisor, the Town Attorney and other Board members regarding the potential requirement of a Town issued permit and the insurance requirements. Additional questions were asked about whether a resident would be allowed to ride with non-resident friends/family, the condition of the trail, and the economic impact it could make to local businesses. The lengthy discussion covered many issues regarding this matter. Several Board members commented on the pros and cons to the proposed amendment. A local resident stated that he has used the trail his entire life and continues to enjoy it with his young son and nephew. He volunteered to work with a trail committee to help keep the trails open.

Teamsters Contract Negotiations Discussion

Supervisor Maerten reported that Councilman Leible and Councilman Evchich volunteered to participate in the negotiations regarding a contract extension for the Teamsters. They stated that they will report back at the end of the month

Challenger Baseball League Discussion

Councilman Evchich stated that he spoke with Diane Mason regarding the continuation of the Challenger Baseball League now that the Central Niagara Baseball and Softball Association (CNBSA) is now defunct. The Challenger portion of the league will continue, offering 20 – 30 children with multiple forms of disabilities, such as muscular dystrophy and cerebral palsy, the opportunity to play ball in Pendleton this year. A discussion continued regarding the cost of equipment and uniforms, use of the Town ballfield, and an updated contract. Councilman Evchich will provide a Facilities Usage Agreement to the group and ensure that the proper insurance is documented. Councilman Leible also reported that he is awaiting more information from the Pendleton Athletic Booster (PABA) regarding whether they will pick up the baseball and softball leagues next year.

Code Enforcement Officer Pay Rate

Councilman Graham spoke regarding an agreement that was made when Code Enforcement Officer Joe Follendorf was hired. The agreement indicated that Mr. Follendorf's salary would increase based on the completion of his training requirements. He has completed his required training with the exception of a class that was cancelled by New York State due to

COVID-19. The cancelation of that class was due to no fault of Mr. Follendorf. The cancelled class has been rescheduled to February 22, 2021. Councilman Graham asked the Board to consider approving the promised rate increase contingent upon Mr. Follendorf completing the final class.

RESOLUTION 60-21

CODE ENFORCEMENT OFFICER PAY INCREASE

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

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

Resolved to raise Joe Follendorf to the top step outlined in the original hiring resolution, effective February 8, 2021, contingent upon him completing the final scheduled set of courses.

Highway and Water/Sewer Superintendent Stowell asked if the Board has considered anything yet regarding holiday and time off benefits for the clerical staff at the Highway Garage. Clerk Margit Denning mentioned the benefits that they are hoping to receive. Supervisor Maerten explained that he and the Town Board will work with the labor attorney and put something together to present in the future.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:50 p.m.

Supervisor Maerten read the invocation and 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
Ron Diedrich – Building Inspector/Code Enforcement Officer
Jim Chisholm - Assessor
Dave Britton – Town Engineer
Jeff Stowell – Highway and Water/Sewer Superintendent
Margit Denning – Public Works Clerk

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

ADDITIONS OR DELETIONS TO THE AGENDA

The following revision was made to the agenda:

- Delete Item #3 – Pandemic Operations Plan Draft

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

RESOLUTION 61-21

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 Work Session held on January 25, 2021, as presented by Town Clerk Maurer.

RESOLUTION 62-21

ABSTRACT #3

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 #3, to be paid on February 10, 2021 as follows:

- Vouchers #20-00965 to #20-00975 for year ending 2020:

General Fund	\$	12,345.71
Highway	\$	71.60
Sewer	\$	6.45
Water	\$	20.25
Total	\$	12,444.01

- Vouchers #21-00040 to #21-000829 for 2021:

General Fund	\$	16,077.01
Highway	\$	18,273.10
Fire Protection	\$	350,257.00
Sewer	\$	5,054.46
Water	\$	3,731.69
Trust & Agency	\$	20,204.00
Total	\$	413,597.26

OTHER REPORTS

Supervisor Maerten reported that tax collected for December 2020 was \$203,366.75. This is an increase of \$11,555.11 when compared with December 2019. The year to date received was \$1,695,969.49 which is a decrease of \$35,688.09 from 2019.

Supervisor Maerten also thanked the Town Clerk's Office and the Department of Public Works for their continued efforts regarding the new refuse contract. He mentioned that one of the big concerns for many residents is the requirement to pay \$55.00 for extra tote service. He stated that he had compared the last six years of his own property taxes and that the town's refuse tax has actually decreased from \$185.00 in 2015 to \$180.07 per year for 2021. He explained that the contract was put out to bid and awarded to the lowest bidder, Modern Disposal. As communicated by both Modern Disposal and Waste Management, continuing with the current model of collection would have required an extreme increase in the cost. Supervisor Maerten provided additional information and indicated that he will provide a more detailed explanation of this in the upcoming newsletter. He also mentioned to the Board that he is looking for feedback to the draft of the Pandemic Operations Plan that was recently forwarded to them. The plan needs to be finalized by April.

Councilman Leible read the Water/Sewer Department report for the month of January stating that there were eight regular and two overtime sewer calls, repairs were made to one pressure sewer and one gravity sewer, and a grinder system was updated. The Sewer Department also delivered refuse and recycling totes during the month. The Water Department read and inspected meters, completed compliance inspections and 22 location requests. Councilman Leible also reminded everyone that the newsletter articles are due on February 25th.

Councilman Fischer reported that during the month of January, the Highway Department plowed and salted roads, repaired equipment, chipped brush, and flushed clogged culverts. They also cleaned a roadside ditch, inspected and repaired traffic signs, and completed three culvert pipe jobs. Councilman Fischer also commented on the challenges with the new refuse totes stating that he has heard from many residents who are saying that they are very happy with the new totes. Mr. Fischer reported that the Town Clerk and Tax Collector yearly audit has been completed and reminded everyone that the Pendleton Farm and Home Days for 2021 has been cancelled.

Councilman Graham provided an update on the reopening of the Farmers' Market. He stated that he has a sketched map of the location of the market and a list of expenditures that are likely to occur. He will work with Town Clerk Maurer on the required permits needed for the vendors. A brief discussion occurred with Clerk Maurer and Town Attorney Joerg regarding the permit requirement and how it applies to this situation.

Councilman Evchich stated that in an effort to keep the lines of communication open between the Board and other departments, he and Highway and Water/Sewer Superintendent Stowell have agreed to meet monthly on the Friday before the regular Board meetings. He also reported that Judge Mack has contacted him indicating that he is now available to meet for the annual court audit.

Town Attorney Joerg had nothing additional to report at this time.

Engineer Britton provided an update regarding an active project with the Planning Board for the proposed rezoning of the property for the Tonawanda Creek Road apartments. The Planning Board is currently in the Environmental Review and Site Plan Review process for this project.

DEPARTMENT HEADS

Town Clerk Maurer reported that she posted the Town Clerk, Tax Collector and Water/Sewer Billing monthly reports on the website. She noted that her office has received numerous payments for "additional refuse totes" and that the process is going smoothly so far. She also provided an update on the Town/County tax collection. Mrs. Maurer also reported that her office was officially approved by the federal government as a Passport Acceptance Agency and that she is hoping that they will begin offering this service in May once the final training is completed.

Highway and Water/Sewer Superintendent had many updates for the Board including information about 2021 NYS CHIPS funding stating that the Town should be getting 15% back this year. He also asked about the status of the order for smaller refuse totes. Supervisor Maerten explained that the 65 gallon totes have been ordered and expected to arrive soon. Mr. Stowell also inquired about submitting the 284 Agreement to the Board for approval.

Building Inspector Diedrich reported that the all but one permit has been issued for the cell tower that will be located behind Wendelville Fire Company.

Assessor Chisholm informed the Board that he has completed the training and is now a State certified Assessor. He also reported that a sale was pending for the Tan Tara golf course at approximately 20% of the assessed value.

NEW BUSINESS

RESOLUTION 63-21

DECLARE SOLE SOURCE PROVIDER - WATER BILLING EQUIPMENT

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

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

Resolved to declare MGL Printing Solutions as a sole source provider for the purchase of equipment and forms to be used with the Edmunds Utility Billing software.

RESOLUTION 64-21

BILLING EQUIPMENT FOR EDMUNDS WATER BILLING

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 purchase of the necessary items for the water/sewer bill preparation and equipment from MGL Printing Solutions in the amount of \$5,135.00.

RESOLUTION 65-21

USDA EUROPEAN CHERRY FRUIT FLY PROGRAM

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 Town Supervisor to sign the proposal presented by the United States Department of Agriculture (USDA) for the 2021 European Cherry Fruit Fly Program.

Pandemic Operations Plan

This item was removed from the agenda.

RESOLUTION 66-21

TOWN CLERK AND TAX COLLECTOR AUDIT

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

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

Resolved to accept the results of the 2020 audits of the Town Clerk and Tax Collector as presented by Councilman Fischer.

RESOLUTION 67-21

PURCHASE OF IT EQUIPMENT

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 purchase of the following computers/software:

- HP Desktop PC for Supervisor's Secretary - \$671.09
- HP Laptop for Payroll/Personnel Clerk - \$691.49
- Windows 10 Pro Upgrade for Budget Officer - \$130.33

PUBLIC REMARKS/COMMENTS

There were no public remarks or comments.

BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that the following meetings have been scheduled:

- Work Session, February 22, 2021 at 7:00 p.m.
- Regular Meeting, March 8, 2021 at 7:00 p.m.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into an Executive Session to discuss a personnel issue in the Highway Department at 8:45 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to close the Regular Meeting at 8:55 p.m. Motion carried.

Deborah K. Maurer, Town Clerk