

**TOWN OF PENDLETON**  
**REGULAR MEETING**  
May 10, 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 10<sup>th</sup> day of May 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.

Supervisor Maerten began by inviting Niagara County Legislator Anthony Nemi and James Sobczyk, from the Pendleton Community and Business Association, to make a presentation to the Board. Mr. Sobczyk explained that a grant application was submitted to the William G. Mayne, Jr. Business/Community Enhancement Program to create a bicentennial mural to commemorate the 200<sup>th</sup> anniversary of Pendleton Settlement. The mural will depict how the area looked in 1821 showing Sylvester Pendleton Clarke welcoming Governor DeWitt Clinton at the original location of the Erie Canal. Legislator Nemi presented the Town of Pendleton with a check for \$2,000.00, awarded by Niagara County, for this project.

Supervisor Maerten called the meeting to order at 7:08 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  
Craig Walter – Highway/Water & Sewer Superintendent  
Aaron Bair – Deputy Water & Sewer Superintendent  
Tom Maturski – Budget Officer  
Anthony Nemi – Niagara County Legislator, 11<sup>th</sup> District  
Sandra Masterson – Board of Assessment Review Chairperson

There were seven residents in attendance. There were four callers on the line.

**ADDITIONS OR DELETIONS TO THE AGENDA**

The following revision was made to the agenda:

- Add Truck Body Repairs
- Add Waiver of Fee for Wendelville Fire Company
- Add Payroll/Personnel Records Clerk

Supervisor Maerten also informed the Board that Mr. Chuck Malcomb from Hodgson Russ LLC is expected to attend the meeting later to discuss the Bear Ridge Solar Project. He expects this discussion to occur after New Business.

**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 118-21

#### 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 April 12, 2021, as presented by Town Clerk Maurer.

### RESOLUTION 119-21

#### ABSTRACT #9

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 #9, Vouchers # 21-00363 to 21-00414, to be paid on May 12, 2021:

General Fund	\$	24,620.22
Highway	\$	16,797.15
Fire Protection	\$	164,615.00
Sewer	\$	2,387.03
Water	\$	1,920.37
Trust & Agency	\$	8,550.00
Total	\$	218,889.77

## OTHER REPORTS

**Supervisor Maerten** reported that tax collected for March 2021 was \$178,582.20. This is an increase of \$23,566.22 when compared with March 2020. The year to date received is \$415,470.43 which is an increase of \$2,728.13 from 2020.

**Councilman Leible** began by thanking Legislator Nemi for the \$2,000.00 grant that was presented to the Town as well as the \$200,000.00 grant for the Community Center. He then read the Water & Sewer Department report for the month of April. The Sewer Department reported that there were 17 regular and nine overtime calls. They worked on a lift station failure at Pendale, completed lift station and duplex checks, repaired three sewer lines and delivered recycle and refuse totes as needed. He also reported that the Water Department checked on water meters, repaired two failed readers, drained the ice rink, and replaced a leaking fire hydrant on Tonawanda Creek Road. They also completed open trench inspections, 72 stakeouts, compliance inspections as needed, and an Edmunds training webinar. Councilman Leible reminded everyone that the newsletter articles are due on May 25<sup>th</sup>. Mr. Leible also provided an update from the Recreation Committee stating that they will be meeting with individuals next month to discuss the lacrosse field and a possible mini-golf course. Mr. Leible then apologized for missing the last meeting and questioned Supervisor Maerten about a remark made at the last meeting. Supervisor Maerten stated that he didn't recall the exact comment but assumed it had something to do with the poor audio quality of his call in to the meeting and stated that nothing he said was intended to be disparaging remarks toward Councilman Leible.

**Councilman Fischer** thanked Councilman Graham and Pendleton Station Market Chairperson Marissa Wroblewski for their efforts made for the opening of the market on May 16<sup>th</sup>. He also reported that he spoke with the owner of Uncle G's Ice Cream about the "Niagara County by the Numbers" mural and that it has been delivered. Once the mural is framed and installed the local artist who will be assigned to it will make it "Paint by Numbers of Pendleton". Uncle G's will be the custodian of the chalk which will be available to passersby to color it in. Mr. Fischer also stated that he has been communicating with C. J. Krantz Organics regarding options that may become available to the residents for their yard waste. He is hoping to make it free for the Town.

**Councilman Graham** reported that the Pendleton Station Market will be open on May 16<sup>th</sup> and thanked Marissa Wroblewski for doing such a great job organizing the vendors and promoting the event. He also thanked the Town Clerk's office staff for collection of the vendor applications, insurance documents and payments. Councilman Graham said that he was excited about this event and wishes it success. He also reported on a recent lift station failure at Pendale. He wanted to remind people who are tied into the sewer system to contact the Town before they call a plumber as the issues are often related to the pump station. He also provided some information on

the Pothos Juice Bar and Skura's Power Equipment, both new businesses in the Town that are located on Campbell Boulevard.

**Councilman Evchich** thanked the Highway Department for fixing the water leak and spreading the mulch at the park. He also stated that he has been in weekly contact with Senator Ortt's office regarding the SAM Grant for the updated bathroom in the park. He stated that Senator Ortt's office hopes to have the paperwork finalized before the current session in Albany ends.

**Engineer Britton** had nothing new to report at this time.

**Budget Officer Matuski** submitted the 1<sup>st</sup> Quarter Budget Report to the Board. He stated that when compared to prior years the Town's expenses seem to be normal at this time. He also provided the Board with the information needed for 1<sup>st</sup> quarter budget transfers. Mr. Matuski reported that he will continue to review the budget throughout the year and will work with department heads to prepare for the upcoming budget season.

**Town Attorney Joerg** stated that he is currently working on litigation for the Town.

#### DEPARTMENT HEADS

**Town Clerk Maurer** reported that the Town Clerk, Tax Collector and Water/Sewer Billing monthly reports are posted on the website as well as the other departmental reports. She noted that baseball registration has continued into May as well as Vendor Applications for the Farmers Market. She also stated that the request for additional refuse tote service has continued at a good pace. Mrs. Maurer also reported that the Town "went live" with its new utility billing software.

**Highway/Water & Sewer Superintendent Walter** had nothing to report at this time.

**Building Inspector Diedrich** reported that it is "business as usual" in the Building Department adding the activity is quite brisk in the Town.

**Assessor Chisholm** stated that the Tentative Roll has been submitted to Niagara County. He also reported that he has been busy sending out the change of assessment notices.

#### NEW BUSINESS

RESOLUTION 120-21

#### BUDGET LINE TRANSFERS – 1<sup>st</sup> QUARTER 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 approve the following four budget transfers as submitted by Budget Officer Tom Matuski:

#### Fund: General Fund

<u>Account</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
A00-1420-100	Attorney – Personal Services • Planned contractual expense, currently a payroll expense	\$ 20,000.00	
A00-1420-430	Attorney - Contractual Professional Fees		\$ 10,000.00
A00-9030-800	Social Security		\$ 10,000.00
A00-1989-410	Farmers Market • Resumption of Town support for the Farmers Market	\$ 1,000.00	
A00-1989-400	Business Development		\$ 1,000.00
A00-8020-200	Planning Board - Fixed Assets • Purchase of a printer	\$ 210.00	
A00-8020-400	Planning Board - Contractual		\$ 210.00

#### Fund: Fire Protection

SF0-3410-400	Fire Protection – Contractual • Slight variance in contractual fire protection expense	\$ 4,795.00	
SF0-9010-800	NYS Retirement		\$ 4,795.00

RESOLUTION 121-21

**TRANSFER OF FUNDS FROM RESERVES – 1<sup>st</sup> QUARTER 2021**

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

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

Resolved to authorize the following transfer of funds as submitted by Budget Officer Tom Matuski:

**Fund: Highway Fund**

<u>Account</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
DA200.2	Equipment Reserve		\$ 18,000.00
DA0-5130-400	Machinery Contractual	\$ 18,000.00	
DA200.1	Highway Reserve		\$ 16,000.00
	• Culvert and drainage pipe repairs		
DA0-5110-451	Road and Drainage Suppliers	\$ 16,000.00	

Annual Stormwater Report

A discussion occurred regarding the Annual Stormwater Report. Engineer Britton explained that the report must be made available to the public for review and open for comments. The report will need to be submitted by June 1, 2021.

RESOLUTION 122-21

**SEASONAL HELP – PUBLIC WORKS**

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

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

Resolved to hire Justin Quick as a seasonal employee as soon as he is available to start.

RESOLUTION 123-21

**NIAGARA COUNTY SHERIFF'S OFFICE PATROLS**

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

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

WHEREAS, the safety and security of the residents of the Town of Pendleton is of utmost importance, and

WHEREAS, concerns related to traffic safety have been communicated to the Town Board, and

WHEREAS, the Town of Pendleton and the Niagara County Sheriff's Office (NCSO) has a history of working collaboratively to identify and address such concerns, and

WHEREAS, the Town of Pendleton has funded additional NCSO patrols focused on specific areas of concern and such a request to continue this practice has been communicated to Niagara County.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of May 2021 that the Supervisor is hereby authorized to schedule Niagara County Sheriff's Office patrols which in total do not exceed \$2,000.00 and dates, times, and locations of such patrols shall be determined in collaboration with the Town Board. This resolution shall take effect immediately.

RESOLUTION 124-21

**REPAIR TRUCK DUMP BODIES**

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

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

WHEREAS, public works in the Town of Pendleton are performed by the Highway Department and the Water & Sewer Department, and

WHEREAS, these departments rely upon a variety of equipment to perform necessary work, including multiple vehicles commonly known as dump trucks, and

WHEREAS, the dump bodies of two (2) dump trucks owned and operated by the Town of Pendleton require repair beyond the ability of Town employees and replacement of these bodies is cost prohibitive, and

WHEREAS, in accordance with the Town's procurement policy, multiple quotes and proposals for work were solicited and received.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of May 2021 that the repair of two (2) truck dump bodies is authorized by the vendor submitting the lowest responsible quote for a cost not to exceed \$18,000.00. This resolution shall take effect immediately.

Supervisor Maerten read a letter from the Wendelville Fire Company regarding their upcoming 100-year anniversary summer celebration scheduled for August 14, 2021. Wendelville Fire Company President Mark Walter is requesting, on behalf of the fire company, funding from the Town towards the fireworks display planned for that evening. Supervisor Maerten noted that the decision on this will be made at the upcoming Work Session.

#### RESOLUTION 125-21

#### **WAIVE SITE PLAN REVIEW FEE FOR WENDELVILLE FIRE COMPANY**

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

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

Nays 0

Resolved to waive the Planning Board Site Plan Review Fee for the Wendelville Fire Company for their current project in the amount of \$600.00

#### Payroll/Personnel Records Clerk

Supervisor Maerten read aloud a proposed resolution to establish a Civil Service Personnel Records Clerk position. Board members had questions regarding this proposal and the item was tabled until the May 24<sup>th</sup> Work Session.

#### **BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that the following meetings have been scheduled:

- Work Session, May 24, 2021 at 7:00 p.m.
- Regular Meeting, June 14, 2021 at 7:00 p.m.

#### **PUBLIC REMARKS/COMMENTS**

An audience member commented on the statements made by Councilman Leible earlier in the meeting regarding remarks made at a previous meeting.

A resident asked how to view the Annual Stormwater Report. Town Clerk Maurer explained that the draft of this report was posted along with the meeting announcement for this meeting and that the final version will be posted on the home page of the Town's website.

At the conclusion of the Public Remarks/Comments portion of the meeting, Supervisor Maerten circled back to the Supervisor Reports portion. He read aloud a letter that he recently wrote the Judge Matthew J. Murphy III prior to the sentencing of former Highway Superintendent Stowell.

Motion by Councilman Fischer, seconded by Councilman Evchich, to enter into an Executive Session with the Town Attorney and Attorney Charles Malcomb from Hodgson Russ LLP to discuss legal advice at 7:53 p.m. Motion carried.

Motion by Councilman Fischer, seconded by Councilman Leible, to adjourn from the Executive Session and the Regular Meeting at 8:45 p.m. Motion carried.

---

Deborah K. Maurer, Town Clerk