

**TOWN OF PENDLETON**  
**REGULAR MEETING**  
June 14, 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 14<sup>th</sup> day of June 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 called the meeting to order at 7:01 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  
Mark Walter – Deputy Town Supervisor  
Ron Diedrich – Building Inspector/Code Enforcement Officer  
Joe Follendorf – Building Inspector/Code Enforcement Officer  
Jim Chisholm - Assessor  
Dave Britton – Town Engineer  
Craig Walter – Highway/Water & Sewer Superintendent  
Aaron Bair – Deputy Water & Sewer Superintendent

There were 12 residents in attendance which included many members of the Pendleton Veterans Association. There were two callers on the line.

**ADDITIONS OR DELETIONS TO THE AGENDA**

The following revision was made to the agenda:

- Add – Executive Session

Supervisor Maerten skipped ahead to New Business Agenda Item #1 – Pendleton Veterans Monument American Flag Pole. He began by explaining that he received a letter from the Pendleton Veterans Association (PVA) stating that by a unanimous vote the PVA members have requested that the flag pole be dedicated in honor of Mr. Gordon Bellinger. Supervisor Maerten read a resolution honoring Mr. Bellinger.

RESOLUTION 133-21

**PENDLETON VETERANS MONUMENT AMERICAN FLAG POLE**

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

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

Nays 0

WHEREAS, the citizens of the Town of Pendleton honor and appreciate the many military veterans who have called this great town their home, and

WHEREAS, it is important to remember and honor the dedication, service, and sacrifices of those who have served our country through military service, and

WHEREAS, Mr. Bellinger is a Vietnam veteran, having served in country, earning the Bronze Star for valor and impressive report, and

WHEREAS, in civilian life, Mr. Bellinger has been a dedicated member of the Pendleton Veterans Association and Lockport Veterans of Foreign Wars, and most recently dedicated great effort to

the fundraising project that ultimately lead to the construction of Pendleton's newest veterans' monument, and

WHEREAS, in all aspects of Gordon Bellinger's life, he has shown the characteristics that make all proud to have him as a neighbor and member of our great community and also motivated his fellow veterans to request the Town Board name the Town of Pendleton Veteran Monument flag pole in his honor.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of June 2021 that the Town of Pendleton honors Mr. Gordon Bellinger by naming the Town of Pendleton Veterans Monument American Flag pole in his honor. This resolution shall take effect immediately.

After a lengthy and well-deserved round of applause, Mr. Gordon Bellinger thanked everyone for their support and recognition. He shared some information about the long process of getting a monument that recognizes all veterans commenting about the annual flag sales and how the money raised from those sales benefited not only the purchase of the flag pole but also the Pendleton food pantry, PVA scholarships and flags for the veterans in our seven cemeteries. He stated that while appreciative of this honor, it was an effort on behalf of all of the veterans in our community.

## COMMUNICATIONS

Town Clerk Maurer reported that the Planning Board will be holding a public hearing regarding the request for construction of a new single story/steel framed fire station for Wendelville Fire Company on Tuesday, June 15<sup>th</sup> at 7:40 p.m.

## PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

The first resident asked to speak about Agenda Item #3 – CFA Grant Application. She read a statement that included several questions and comments about the draft resolution provided online before the meeting. She ended stating that she did not support the Board's intention to proceed with the resolution until more details were disclosed regarding this matter.

Another resident questioned if the draft resolution will approve the projects that were listed. Supervisor Maerten answered that the resolution is to approve the submission of the grant application.

A third resident questioned why the draft resolution included the funding for the community center and also questioned if the expected water discharge from the proposed water park has been addressed. Supervisor Maerten stated that it had already been discussed during the previous month's presentation and that there is flexibility in the design to control the water usage. This detail will be addressed further down in the design process. He also provided information regarding how the Town could benefit from the funding through the CFA Grant for work that can be done in and around the park including the community center. He went on to explain the grant funding process in detail and spoke about various funds that are available. Mr. Maerten reiterated that this is the beginning of a lengthy process and that the proposed resolution is to merely submit the application for the grant.

Engineer Britton also provided a brief explanation of the process of submitting the Consolidated Funding Application (CFA).

The residents who reside at 4930 Beach Ridge Road stated that they were happy that the sewer extension for their property was on the agenda.

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

## ROUTINE BUSINESS

RESOLUTION 134-21

### ABSTRACT #11

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 #11, Vouchers # 21-00468 to 21-00530 to be paid on June 16, 2021:

General Fund	\$	14,653.86
Highway	\$	21,665.26
Refuse	\$	43,575.38
Sewer	\$	4,249.88
Water	\$	2,387.58
Total	\$	86,531.96

## OTHER REPORTS

**Supervisor Maerten** reported that tax collected for April 2021 was \$136,876.16. This is an increase of \$51,089.17 when compared with April 2020. The year to date received is \$552,346.59 which is an increase of \$53,817.30 from 2020.

Supervisor Maerten also mentioned that he recently attended a Troop 98 Eagle Scout ceremony at Pendleton Center United Methodist Church. He stated that the following Scouts earned their Eagle Scout rank at the June 11<sup>th</sup> Court of Honor: Elijah Brooks, Logan Ellingson, Cameron Kufchak, Gabriel Lee, Samuel Lee, Riley Nesbit, Jacob Pytlik, Dominick Scalzo and Colby Siegmann. He also mentioned that Ethan Bannochie and Ryan Varney earned their Eagle Scout rank at the May 27<sup>th</sup> Court of Honor. Mr. Maerten remarked that it was a very nice ceremony and provided congratulations again to the Scouts that were honored that evening.

**Councilman Leible** congratulated Mr. Bellinger, thanking him and all of the PVA members for the great job they do for our community. He then read the Water and Sewer Department report for the month of May stating that the Sewer Department completed 12 regular and nine overtime sewer calls, repaired six sewer lines and completed lift station and duplex checks. They also delivered refuse and recycle totes, completed topsoil and seed repairs, and helped in the Town Park. He reported that the Water Department completed 48 stakeouts, opened the park bathrooms, completed final reads, and newly sold home inspections. They also repaired a water break and a water leak.

**Councilman Fischer** reported on the “Niagara County by the Numbers” chalkboard mural that has been placed outside of Uncle G’s. He noted that the chalkboard mural, a “color by number” drawing, will be dedicated soon. He also reported that the walkway at the Mason’s Mission park was sealed by WS Enterprises, run by local resident Dennis Falbo, at no charge to the Town.

**Councilman Graham** brought up the topic of destruction in the park. He noted that this appears to be an ongoing problem and wants to know what can be done to prevent this. He gave some examples of the vandalism in the park and asked that residents keep a “watchful eye” on the park and report any issues they see. He also stated that the Pendleton Station Market is still going well.

Supervisor Maerten commented on the park destruction and stated that we will be advertising for a part-time park security position.

**Councilman Evchich** congratulated Gordon Bellinger for his service and dedication to the Town of Pendleton. He also thanked Councilman Fischer for the help with getting the walkway sealed near Mason’s Mission and mentioned that he has received calls regarding the park vandalism as well.

**Attorney Joerg** had nothing specific to report.

**Engineer Britton** had nothing to report.

## DEPARTMENT HEADS

**Town Clerk Maurer** apologized for the delay in posting meeting minutes. She also 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. Mrs. Maurer explained that May and June were the first months using the new Utility Billing software and that things went well with the collection process.

**Highway/Water & Sewer Superintendent Walter** reported that the new water bills will be coming out in July. He stated that the bills will look more like letters instead of the postcards which have been used in the past.

**Building Inspector Diedrich** reported that the activity in the Building Department is quite brisk despite the increase in the cost of building materials. Town Clerk Maurer added that an online payment option will be added soon for Building Department fees.

**Assessor Chisholm** reported that the Final Tax Roll will be coming out on July 1, 2021.

## NEW BUSINESS

Engineer Britton provided a brief explanation of the proposed sewer extension for 4930 Beach Ridge Road. He has been working with the residents and the Water/Sewer Department on this project. He said that the next steps would be to request approval from the Niagara County Department of Health (NCDOH). He explained that after the NCDOH approval, the residents will have to file a Public Improvement Permit (PIP) application with the Town. He confirmed that all of the construction costs will be at the homeowner's expense.

### RESOLUTION 135-21

#### **4930 BEACH RIDGE ROAD SEWER EXTENSION**

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 sewer service to 4930 Beach Ridge Road and authorize the Town Supervisor to sign the Niagara County Department of Health application.

Next, Supervisor Maerten spoke about the park improvement presentation that was made at the previous Work Session on May 24, 2021. He reminded those in attendance about the extensive presentation made by the Town's grant writer, a representative from Parkitechts, and Mason's Mission regarding plans for a potential splash pad. He explained that the project would also include other improvements around the park. Councilman Leible asked if the Town will receive any money back if in the future it is decided not to do some of the projects included in the grant application. Supervisor Maerten explained that the funds are not given in advance, they are reimbursement of expenses. He also confirmed that the proposed resolution is for filing the funding application.

### RESOLUTION 136-21

#### **CONSOLIDATED FUNDING APPLICATION (CFA)**

Motion by Councilman Fischer, seconded by Councilman Evchich, the following resolution was ADOPTED: Ayes 4 Maerten, Fischer, Graham, Leible  
Nays 0  
Abstained 1 Evchich

WHEREAS, the Town of Pendleton endeavors to provide access to diverse recreational opportunities, community gathering spaces, and modern amenities for its residents and visitors of all ages and abilities; and

WHEREAS, the Town of Pendleton owns and maintains approximately 24 acres of public park amenities and open space at its Town Park, located adjacent to the Pendleton Town Hall, Department of Public Works and the Pendleton Rails-to-Trails; and

WHEREAS, the Town of Pendleton has developed, in collaboration with peter j. smith and company, inc., a Master Plan for the Pendleton town park system that contains recommendations for the most effective use of the properties that will maximize recreational and environmental values; and

WHEREAS, the Town Board of the Town of Pendleton has adopted an addendum to its Town Parks Master Plan containing updated recommendations for the improvement of Pendleton Town Park, its primary recreation and public gathering space, for the purpose of aiding project planning; and

WHEREAS, the *Pendleton Town Park Community Access and Inclusivity Improvement Project* represents a unique opportunity for the Town of Pendleton that will emphasize community

partnerships to enhance community gathering spaces, universal park access and inclusive recreational and special needs facilities; and

WHEREAS, the *Pendleton Town Park Community Access and Inclusivity Improvement Project* involves the construction of an all-season community center, an inclusive splash pad facility uniquely designed for special needs residents and visitors, installation of handicap-accessible pathways, and facility parking improvements; and

NOW, THEREFORE, BE IT RESOLVED, that Joel Maerten, Supervisor of the Town of Pendleton, is hereby authorized and directed to file an electronic Consolidated Funding Application in accordance with the endorsement standards set forth by the New York State Regional Economic Development Councils, through the New York State Office of Park, Recreation and Historic Preservations' Park Development Program, in an amount no less than 50% of the approved funding and, upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to *Pendleton Town Park Community Access and Inclusivity Improvement Project*.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pendleton hereby re-affirms the Pendleton Town Parks Master Plan of 2007 (addendum adopted May 2021).

RESOLUTION 137-21

**284 AGREEMENT**

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

Resolved to accept the 284 Agreement that was presented by Highway/Water & Sewer Superintendent Walter.

RESOLUTION 138-21

**TEAMSTERS MEMORANDUM OF AGREEMENT**

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 Memorandum of Agreement (MOA) between the Town of Pendleton and the Teamsters Local #264 regarding the scheduling of hours for the Highway and Water/Sewer Department.

RESOLUTION 139-21

**SURPLUS DPW XEROX MACHINE**

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

Resolved to declare the Xerox machine located at the Department of Public Works as surplus.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor, and Building Inspector for a Town Hall personnel matter at 7:57 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session at 8:10 p.m. Motion carried.

RESOLUTION 140-21

**SUPERVISOR OF BUILDING AND ASSESSMENT DEPARTMENT OPERATIONS**

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

WHEREAS, the Town of Pendleton maintains and staffs the Assessor's Office as an important and integral component of local governmental operation; and

WHEREAS, the Town's appointed Assessor serves in a part-time capacity, alternating office hours with another local municipality; and

WHEREAS, proper oversight and supervision of all Town of Pendleton operations is essential to ensure effective and efficient use of resources as well as to ensure a high-level of customer service; and

WHEREAS, supervision of part-time employees and office operations should be performed by a qualified full-time employee of the Town of Pendleton; and

WHEREAS, appointment of a qualified individual to serve as Supervisor of Building and Assessment Department Operations is in the best interest of the Town of Pendleton.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14<sup>th</sup> day of June 2021 that Ron Diedrich, the full-time Building Inspector and Code Enforcement Officer, shall be appointed as the Supervisor of Building and Assessment Department Operations and shall be responsible for oversight and direction of all personnel and operations within the Building Department and Assessment Department. Furthermore, it shall be resolved that Mr. Diedrich shall be compensated at a prorated rate of \$2,200.00 annually. This resolution shall take effect immediately.

### **BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that the following meetings have been scheduled:

- Work Session, June 28, 2021 at 7:00 p.m.
- Regular Meeting, July 12, 2021 at 7:00 p.m.

### **PUBLIC REMARKS/COMMENTS**

A resident asked Supervisor Maerten why he asked Councilman Evchich to abstain from voting on the CFA. He stated that he wanted to avoid any appearance of conflict.

Another resident asked what the procedure for filing an ethics complaint was. A discussion also occurred regarding opening the meetings up to more public dialogue. The same resident also stated that she will be sending multiple Freedom of Information Law (FOIL) requests.

A third resident commented on the CFA resolution and remarks made at a previous meeting.

There was also a person in attendance that complained about the size of a political sign placed within the Town and asked if it was allowable per the Town Code.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor, and Highway Superintendent for a personnel matter in the Public Works Department at 8:40 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session and the Regular Meeting at 8:57 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk