

**TOWN OF PENDLETON**  
**REGULAR MEETING**  
July 12, 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 12<sup>th</sup> day of July 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 7:07 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  
Jim Chisholm - Assessor  
Dave Britton – Town Engineer  
Craig Walter – Highway/Water & Sewer Superintendent

There were eight residents in attendance. There were two callers on the line.

**ADDITIONS OR DELETIONS TO THE AGENDA**

The following revision was made to the agenda:

- Remove – Truck Repair
- Add – Planning Board Appointment
- Add – Request to Recreation Committee
- Add – Executive Session

**COMMUNICATIONS**

Town Clerk Maurer began by reading a letter of interest for appointment to the Planning Board from Mr. Michael Zimmerman. Next, she read a letter to the Town Board from Mrs. Sara Siracuse asking if the Town Board will address the questions previously presented to them on June 14<sup>th</sup> and June 25<sup>th</sup> regarding the Ethics Board. Her correspondence also referenced comments about the June 14<sup>th</sup> meeting minutes and her recent Freedom of Information Law (FOIL) requests made to the Town.

**PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

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

**ROUTINE BUSINESS**

RESOLUTION 141-21

**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 May 10, 2021, the Work Session held on May 24, 2021, and the Regular Meeting held on June 14, 2021, as presented by Town Clerk Maurer.

RESOLUTION 142-21

**ABSTRACT #12**

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 #12, Vouchers # 21-00531 to 21-00590 that was paid on June 30, 2021:

General Fund	\$	19,891.71
Highway	\$	20,468.35
Refuse	\$	174.00
Sewer	\$	3,054.08
Water	\$	3,637.72
Total	\$	47,225.86

RESOLUTION 143-21

**ABSTRACT #13**

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

Resolved to authorize payment of Voucher Abstract #13, Vouchers # 21-00591 to 21-00652 to be paid on July 14, 2021:

General Fund	\$	79,395.21
Highway	\$	18,599.65
Sewer	\$	8,985.02
Water	\$	55,747.25
Total	\$	162,727.13

**OTHER REPORTS**

**Supervisor Maerten** reported that tax collected for May 2021 was \$141,853.98. This is an increase of \$46,078.31 when compared with May 2020. The year to date received is \$694,200.57 which is an increase of \$99,895.61 from 2020.

**Councilman Leible** read the Water and Sewer Department report for the month of June stating that the Sewer Department completed 22 regular and seven overtime sewer calls, repaired two sewer breaks and completed a new build connection. He also stated that they delivered recycle and refuse totes and completed bi-weekly duplex checks. Councilman Leible also reported that Kevin Johnson completed his 6-month probation.

**Councilman Fischer** had nothing to report.

**Councilman Graham** read a letter that he received from a Bear Ridge Road resident that was sent to Legislator Nemi. The letter requested assistance from the Town and Niagara County regarding the intersections near Bear Ridge and Tonawanda Creek Roads. Councilman Graham stated that he has spoken with both Legislator Nemi and Niagara County Public Works Commissioner Garret Meal regarding this matter. They reported that they have several proposals for this area and will keep the Town up to date as they move forward.

**Councilman Evchich** read the Highway Report. He reported that during June they striped baseball and lacrosse fields, finished a culvert pipe, mowed roadsides and chipped brush. They also mowed the parks and cemeteries, prepped the volleyball courts, brush hogged the bike path and cleaned shelters. Additionally, he stated that the Highway Department repaired equipment, installed road signs, repaired park equipment, and cleaned up around the park.

**Attorney Joerg** stated that he has been responding to current litigation with the Town. He is also working on revisions to the Town Code.

**Engineer Britton** provided a brief update on The Meadows at Pendleton North construction project stating that things have been quiet recently as they are in need of additional fill for the area. He expects things to move along soon.

## **DEPARTMENT HEADS**

**Town Clerk Maurer** reported that the Town Clerk and Water/Sewer Collection monthly reports are posted on the website as well as the other departmental reports. Mrs. Maurer also reported that the Town Clerk's office has received payments for 151 "additional refuse service" totes for the period of January 1 – June 30, 2021. She noted that while this may seem like a large number it only reflects approximately 5% of the total households that receive refuse service.

**Highway/Water & Sewer Superintendent Walter** reported that Bear Ridge Road will be closed beginning on Monday, July 19, 2021 for approximately three months for road repair. The section that will be closed is between Irish Road and West Canal Road. He noted that detours are in place.

**Building Inspector Diedrich** had nothing to report.

**Assessor Chisholm** had nothing to report.

## **NEW BUSINESS**

RESOLUTION 144-21

### **ZONING MAP RESOLUTION**

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 GHD to go forward with a mapping analysis to include the of updating names, roadways, parcel boundaries, and updates to zoning for a price not to exceed \$3,240.00

RESOLUTION 145-21

### **INTERMUNICIPAL 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 approve the intermunicipal agreement between the Town of Lockport, Town of Pendleton, and the Niagara County Water District.

RESOLUTION 146-21

### **AMENDMENT TO 284 AGREEMENT**

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

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

Nays 0

At the regular meeting of the Town Board of the Town of Pendleton, Niagara County, New York, held in the Board Room at the Town of Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, New York, 14094 at 7:00 p.m. on July 12, 2021.

WHEREAS, pursuant to the provisions of Section 284 of the Highway Law, an agreement between the Town Board and the Highway Superintendent must be approved for the expenditure of monies for the repair and improvement of highways; and

WHEREAS, an Agreement for the Expenditure of Highway Moneys (284 Agreement) between Interim Highway Superintendent Craig Walter and the Town Board was approved at the June 14, 2021 regular meeting of the Town Board; and

WHEREAS, there is currently a great amount of volatility of costs related to the repair of highways; and

WHEREAS, it is in the best interest of the public to ensure repairs outlined within the 284 Agreement are completed during this calendar year.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12<sup>th</sup> day of July 2021 that the maximum cost of repairs outlined within the 284 Agreement

approved on June 14, 2021 be increased from \$193,020.73 to \$213,020.73. This resolution shall take effect immediately.

RESOLUTION 147-21

**SURPLUS LAPTOP**

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 as surplus one Lenovo Laptop (Asset Tag# TH-1020) from the Town Hall's Personnel office.

RESOLUTION 148-21

**DRAINAGE INLET REPAIRS**

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

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

WHEREAS, at the May 24, 2021 meeting of the Town Board of the Town of Pendleton drainage inlet and gutter repairs were approved for \$33,440.00 by John Czerwinski Concrete; and

WHEREAS, an additional two (2) repairs have been identified requiring action; and

WHEREAS, the approved drainage inlet and gutter repair work has not commenced; and

WHEREAS, considering time, effort, and the urgency of this work, solicitation of new quotes from contractors would substantially delay or possibly preclude such work from being completed in 2021; and

WHEREAS, based upon previously submitted quotes, the per unit cost for drainage inlet and gutter repairs is estimated to be approximately \$1,900.00.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12<sup>th</sup> day of July 2021 that John Czerwinski Concrete is approved to complete two (2) additional drainage inlet and gutter repairs, in addition to the work approved on May 24, 2021, at an additional cost not to exceed \$3,800.00. This resolution shall take effect immediately.

Truck Repair

This item was removed from the agenda.

RESOLUTION 149-21

**WENDELVILLE FIRE HALL #2 WATER SUPPLY**

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

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

WHEREAS, the Wendelville Fire Company, Inc. (Wendelville Fire) provides fire, rescue, and emergency medical services to the Town of Pendleton; and

WHEREAS, Wendelville Fire Company is constructing a new truck hall at 6440 Main Road, known as Hall #2; and

WHEREAS, a water supply will be necessary at Hall #2 for training and the refilling of apparatus and this water supply shall be separate from metered water used for general day-to-day building operation and maintenance; and

WHEREAS, water used for training and fire suppression benefits all and the cost of such water should therefore be paid for by the Town of Pendleton.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12<sup>th</sup> day of July 2021 that a separate water supply is authorized for Wendelville Fire Hall #2, the cost of necessary components (e.g. metering and backflow prevention components) shall be paid by the Town, and the cost of all water used by this water supply shall also be paid by the Town of Pendleton. This resolution shall take effect immediately.

RESOLUTION 150-21

**SEQR – PARK IMPROVEMENTS**

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 State Environmental Quality Review Act (SEQR) for park improvements and make a negative declaration based on the documents provided by Engineer Britton.

RESOLUTION 151-21

**PLANNING BOARD APPOINTMENT**

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

ADOPTED: Ayes 4 Maerten, Evchich, Fischer, Graham

Nays 1 Leible

Resolved to appoint Michael Zimmerman to the Planning Board for the balance of a term that will expire on December 31, 2022.

RESOLUTION 152-21

**RECREATION COMMITTEE REQUEST**

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 send a letter requesting the Recreation Committee to review any and all of the current rules, regulations, and expectations for use of Town property and provide the Town Board with a summary of recommendations.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor, and the Highway Superintendent to discuss a personnel matter at the Public Works Department at 7:40 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session at 7:48 p.m. Motion carried.

RESOLUTION 153-21

**SALARY INCREASE – PUBLIC WORKS EMPLOYEE**

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

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

Nays 0

WHEREAS, the Town of Pendleton appreciates the dedication and effort of all employees who serve the residents of this great town; and

WHEREAS, Julianna Wurzer has been a Typist, reporting for a part-time assignment with the Highway, Water, and Sewer Departments since January 23, 2017; and

WHEREAS, Ms. Wurzer has shown great aptitude, dedication, and skill in performance of all duties; and

WHEREAS, upon recommendation of Interim Highway Superintendent Craig Walter, based upon his observation of Ms. Wurzer's performance, it is requested that her hourly rate of compensation be increased to reflect Ms. Wurzer's performance and productivity.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12<sup>th</sup> day of July 2021 that Julianna Wurzer's hourly rate shall be \$16.70 per hour. This resolution shall take effect immediately.

**BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that the following meetings have been scheduled:

- Regular Meeting, August 9, 2021 at 7:00 p.m.

**PUBLIC REMARKS/COMMENTS**

A resident asked the Board when she can expect a response to the questions that have been emailed to the Board. Supervisor Maerten stated that he will meet with her to discuss her questions. She also asked that the meetings become more of an open discussion with the public.

She also questioned how she can appeal a Freedom of Information Law (FOIL) denial. She was provided with instructions to address the appeal to the Town Supervisor.

A second resident commented on recent FOIL requests that she made regarding the handicap accessible playground, stating that she will submit further requests regarding this matter.

Another resident asked if the “park improvements” SEQR, which was accepted earlier, addresses the water discharge that will be coming from the proposed water park. She expressed concerns regarding her expectations of the water discharging to the Town ditch, which has backflow issues already.

Motion by Councilman Leible, seconded by Councilman Evchich, to adjourn from the Regular Meeting at 7:58 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk