

**TOWN OF PENDLETON**  
**REGULAR MEETING**  
September 13, 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 13<sup>th</sup> day of September 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 7:10 p.m.

Supervisor Maerten read the invocation and the salute to the flag. A moment of silence was also observed to commemorate the 20<sup>th</sup> anniversary of the September 11<sup>th</sup> attacks.

Roll Call:

|                    |         |
|--------------------|---------|
| Supervisor Maerten | Present |
| Councilman Evchich | Absent  |
| Councilman Fischer | Present |
| Councilman Graham  | Present |
| Councilman Leible  | Absent  |

Also present:

Deborah Maurer – Town Clerk  
Claude Joerg – Town Attorney  
Mark Walter – Deputy Town Supervisor  
Ron Diedrich – Building Inspector/Code Enforcement Officer  
Dave Britton – Town Engineer  
Craig Walter – Highway/Water & Sewer Superintendent

There were three residents in attendance. There were zero callers on the line.

**ADDITIONS OR DELETIONS TO THE AGENDA**

The following revision was made to the agenda:

- Remove – Gradall Purchase
- Remove – Schedule Public Hearing
- Add – Authorize the Forwarding of Unpaid Water Bills to Assessor
- Add – Authorize Assessor to Levy Unpaid Town Charges

**COMMUNICATIONS**

There were no items to report.

**PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

A resident read aloud a written statement submitted to the Board questioning Resolutions 175-21 and 176-21 contained in the August 9, 2021 meeting minutes that were pending approval. There were no other public remarks or comments on the agenda items.

**ROUTINE BUSINESS**

RESOLUTION 177-21

**APPROVAL OF MINUTES**

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

ADOPTED: Ayes 3           Maerten, Fischer, Graham  
              Nays 0  
              Absent 2        Evchich, Leible

Resolved to approve the meeting minutes for the Regular Meeting held on August 9, 2021, as presented by Town Clerk Maurer.

RESOLUTION 178-21

**ABSTRACT #16**

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham

Nays 0

Absent 2 Evchich, Leible

Resolved to authorize payment of Voucher Abstract #16, Vouchers # 21-00742 to 21-00800 that was paid on August 25, 2021:

|                 |    |           |
|-----------------|----|-----------|
| General Fund    | \$ | 13,590.01 |
| Highway         | \$ | 29,273.20 |
| Fire Protection | \$ | 200.00    |
| Refuse          | \$ | 42,105.81 |
| Sewer           | \$ | 6,484.13  |
| Water           | \$ | 5,555.86  |
| Trust & Agency  | \$ | 265.00    |
| Total           | \$ | 97,474.01 |

RESOLUTION 179-21

**ABSTRACT #17**

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham

Nays 0

Absent 2 Evchich, Leible

Resolved to authorize payment of Voucher Abstract #17, Vouchers # 21-00801 to 21-00887 to be paid on September 15, 2021:

|                |    |            |
|----------------|----|------------|
| General Fund   | \$ | 33,097.04  |
| Highway        | \$ | 33,651.51  |
| Refuse         | \$ | 43,260.38  |
| Sewer          | \$ | 8,569.60   |
| Water          | \$ | 2,412.22   |
| Trust & Agency | \$ | 2,048.00   |
| Total          | \$ | 123,038.75 |

**OTHER REPORTS**

**Supervisor Maerten** reported that tax collected for July 2021 was \$159,082.93. This is an increase of \$33,002.30 when compared with July 2020. The year to date received is \$1,088,657.14 which is an increase of \$192,999.51 from 2020.

Supervisor Maerten also reported that he received a final word of approval from Assemblymember Karen McMahon's office regarding a \$25,000.00 grant for safety and security. The funding will be used for expanding and improving the fob system for the Town buildings and installing and/or upgrading security cameras at the Town offices and park. He also informed the Board that due to our collaborative Information Technology (IT) services with Niagara County, the County and the Town were awarded \$101,160.61 from the New York State County-Wide Shared Services Initiative which will be divided equally. The Town will receive a total \$50,580.30 that can be used to offset some of the major costs of updating our IT equipment. He also thanked Town Clerk Maurer for her effort coordinating the IT upgrades over the past few years.

**Councilman Fischer** stated that he has been working with Niagara County Legislator Tony Nemi and the Niagara County Health Department regarding updates needed at Nine-Mile Island.

**Councilman Graham** shared his appreciation of the Wendelville Fire Company's 100<sup>th</sup> Anniversary Celebration event. He said that it was a nice event that had a good turnout. He also reported that one of the new businesses in town has recently left but a new business called "Stitches" has just opened in the Five Corners Plaza. Additionally, Mr. Graham reminded the residents to be aware of hunters on the bike paths as the State has opened up a special hunting season. He also reported that the numbers from the 2020 census have been received and the Town's reported population is now over 7,000. He said that Pendleton has grown by 10% which could potentially lead to an increase in sales tax revenue.

**Attorney Joerg** had nothing to report.

**Engineer Britton** provided updates regarding the new salt barn stating that the NYSDEC Permit Application was recently submitted and construction is earmarked for the spring of 2022. He also stated that the zoning and water/sewer map updates are underway.

## 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 stated that Wi-Fi is once again available for guest usage at the Town Hall.

**Highway/Water & Sewer Superintendent Walter** stated that road work is finally winding down for the season. He also reported that the chipper will be back out chipping brush around Town.

**Building Inspector Diedrich** mentioned that he received two calls from residents asking if hunting was allowed on Town property. The discussion continued and a reference was made to a resolution that was passed by the Board in 2018 excluding hunting from Town property.

## NEW BUSINESS

RESOLUTION 180-21

### BOARD OF ASSESSMENT REVIEW APPOINTMENT

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham  
Nays 0  
Absent 2 Evchich, Leible

Resolved to reappoint Mary Ann Welka to the Board of Assessment Review for a five-year term effective October 1, 2021.

RESOLUTION 181-21

### DECOMMISSIONING AGREEMENT – PENDLETON SOLAR 2

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham  
Nays 0  
Absent 2 Evchich, Leible

Resolved to direct the Town Supervisor to sign the Decommissioning Agreement with Pendleton Solar 2 as presented.

RESOLUTION 182-21

### HOVER NETWORKS RENEWAL

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham  
Nays 0  
Absent 2 Evchich, Leible

Resolved to approval the 60-month renewal agreement with Hover Networks, Inc. for the Town's telephone service at a rate of \$507.61 per month.

Highway/Water & Sewer Superintendent Walter presented the following quotes for the purchase of two stainless steel salt spreaders:

- Valley Fab and Equipment, Inc. (Quantity = 2) \$20,914.78
- George and Swede Sales & Service (Quantity = 2) \$21,950.00
- Viking Cives of W. N. Y Quote not returned

RESOLUTION 183-21

### STAINLESS STEEL SALTERS

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham  
Nays 0  
Absent 2 Evchich, Leible

Resolved to approve the low bid of \$20,914.78, from Valley Fab and Equipment, Inc., for the purchase of two stainless steel salters.

RESOLUTION 184-21

**SURPLUSSED TOWN-OWNED FILL**

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham

Nays 0

Absent 2 Evchich, Leible

WHEREAS, the Town of Pendleton Highway, Water, and Sewer Departments perform a multitude of tasks which often result in the excavation and removal of earthen material or fill; and

WHEREAS, fill materials are often removed from job sites and transported to the Public Works Facility located at 6640 Campbell Boulevard and stockpiled; and

WHEREAS, the Highway Superintendent has requested that a select amount of stockpiled fill be declared surplus, sold, and removed from the Public Works Facility.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of September 2021 that stockpiled fill located at the Public Works Facility shall be declared surplus as follows:

- 1) Materials declared surplus shall be limited to earthen fill and debris. This does not include stone, sand, millings, or any material purchased by the Town of Pendleton.
- 2) All materials sold shall be loaded and transported from Town property by the purchaser. No Town employees or equipment shall be used to assist with this endeavor.
- 3) Loading and hauling shall only be allowed between 7:00 am and 5:00 pm, Monday through Friday, excluding holidays.
- 4) Purchasers of fill and any contractors assisting in any such effort shall provide proof of insurance specifically declaring the Town of Pendleton as additionally insured.
- 5) No more than 2000 cubic yards of fill shall be sold at a cost of \$1.00 per cubic yard.
- 6) This resolution declaring surplus Town-owned fill shall take effect immediately and subsequently expire on December 31, 2021 at 11:59 pm.

Gradall Purchase

This item was removed from the agenda.

Town Hall Fire Alarm Communicator

This item was tabled until the next meeting pending further information.

Schedule Public Hearing

This item was removed from the agenda.

RESOLUTION 185-21

**WENDELVILLE FIRE COMPANY FUNDING**

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham

Nays 0

Absent 2 Evchich, Leible

WHEREAS, the Wendelville Fire Company, Inc. is a volunteer organization which provides fire, rescue, and emergency medical services to the residents and visitors to the Town of Pendleton; and

WHEREAS, the Wendelville Fire Company maintains and operates a wide-variety of apparatus and equipment, housed in three halls; and

WHEREAS, the onset of the recent pandemic has changed many aspects of how the Wendelville Fire Company responds to calls and the Fire Company has incurred substantial costs related to the pandemic; and

WHEREAS, it is of utmost importance that the Wendelville Fire Company has the resources to be prepared for any and all health emergencies affecting the Town of Pendleton; and

WHEREAS, the Town of Pendleton anticipates receiving the entire allocation of American Rescue Plan Act (ARPA) funding for which the Town is eligible by the end of the 2022 calendar year and the purpose of this funding includes responding to public health emergencies; and

WHEREAS, the Wendelville Fire Company has formally requested funding up to \$200,000 to be focused directly on improving the Fire Company's preparedness to respond to public health emergencies.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of September 2021 that \$200,000 of American Rescue Act Funding shall be reserved for the Wendelville Fire Company, Inc., above and beyond the annual funding provided to the Fire Company by the Town of Pendleton for ongoing fire, rescue, and emergency medical services.

**RESOLUTION 186-21**

**AUTHORIZE FORWARDING OF OUTSTANDING WATER BILLS TO TOWN ASSESSOR FOR LEVY**

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham  
Nays 0  
Absent 2 Evchich, Leible

Resolved to authorize the Account Clerk to forward all water bills having a balance greater than \$9.99, as of 4:00 p.m. on September 24, 2021, to the Town Assessor's office to be levied to the Niagara County Tax Bill as unpaid Town charges.

**RESOLUTION 187-21**

**AUTHORIZE ASSESSOR TO LEVY UNPAID TOWN CHARGES TO 2022 NIAGARA COUNTY TAX BILL**

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

ADOPTED: Ayes 3 Maerten, Fischer, Graham  
Nays 0  
Absent 2 Evchich, Leible

Resolved to authorize the Town Assessor to place all unpaid Town charges as liens upon real property in accordance with Town Law §198(3)(d) to forward authorization and actual listing of all unpaid accounts that are provided by the Water/Sewer Billing Department, refuse bills and other Town charges to the Assessor's Office for posting.

**BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that the following meetings have been scheduled:

- Work Session, September 27<sup>th</sup> at 7:00 p.m. followed by a Budget Meeting
- Budget Meeting, October 4<sup>th</sup> at 7:00 p.m.
- Regular Meeting, October 11<sup>th</sup> at 7:00 p.m. followed by a Budget Meeting
- Budget Meeting, October 18<sup>th</sup> at 7:00 p.m.
- Work Session, October 25<sup>th</sup> at 7:00 p.m. followed by a Budget Meeting

**PUBLIC REMARKS/COMMENTS**

A resident read aloud a written statement submitted to the Board asking for an explanation for the difference between a local law and an ordinance. She also asked why Local Law No. 04-2020 was considered null and void due to the lack of a public hearing but the same thing was not done for Local Law Nos. 01-2020, 02-2020 and 03-2020. Additionally, she spoke about the repealing of Local Law No. 02-2007 and Chapter 132 of Town Code. Her written statement was provided to the Town Clerk.

Another individual from Erie County addressed the Board about the ATV trails. He asked the Board to consider allowing "law abiding" riders to obtain a "non-resident" or "courtesy pass" to ride the trails. Another resident stated that she agreed that a "non-resident" pass/permit should be allowed.

Motion by Councilman Fischer, seconded by Councilman Graham, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor, Town Clerk and Building Inspector to discuss personnel issues in the Assessor's office at 8:02 p.m. Motion carried.

Regular Meeting  
September 13, 2021

Motion by Councilman Fischer, seconded by Councilman Graham, to adjourn from the Executive Session and Regular Meeting at 8:47 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk