

**TOWN OF PENDLETON**  
**WORK SESSION**  
September 27, 2021

A Work Session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 27<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 7:00 p.m.

Supervisor Maerten, Councilman Evchich, Councilman Fischer, Councilman Graham, and Councilman Leible were present.

Also present:

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

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

Councilman Evchich reported that he was contacted by a representative from the Niagara Thunderwolves travel baseball league. He stated that they are very interested in running his program in Pendleton but they have some concerns about the condition of the fields in the park, specifically related to drainage issues. A discussion continued about this topic with Councilman Evchich saying that the group would like to come and address the Board. Supervisor Maerten suggested that a follow-up meeting with the Town Engineer, Highway Superintendent, and one Town Board member should be scheduled in the near future.

RESOLUTION 188-21  
**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 September 13, 2021, as presented by Town Clerk Maurer.

RESOLUTION 189-21  
**ABSTRACT #18**

Motion by Councilman Graham, 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 #18, Vouchers #21-00888 to #21-00931 to be paid on September 29, 2021

General Fund	\$	8,067.25
Highway	\$	65,556.85
Refuse	\$	872.91
Sewer	\$	1,725.00
Water	\$	2,517.83
Total	\$	78,739.84

Town Hall Fire Alarm Communicator Quotes

This agenda item was tabled until the October 11, 2021 Regular Meeting.

RESOLUTION 190-21

**MARRIAGE OFFICER APPOINTMENT**

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

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

Nays 0

Resolved to appoint Town Clerk Deborah K. Maurer, as Marriage Officer for the Town of Pendleton, as permitted by Domestic Relations Law – DOM § 11-c.

Gradall Purchase

Supervisor Maerten explained that the Highway Department needs to replace the excavating machine that is currently in use. A Sourcewell State Contract quote was provided in the amount of \$380,000.06 for the purchase of a Gradall hydraulic excavator. Councilman Graham asked if a wheeled excavator was looked at as a replacement. Highway/Water & Sewer Superintendent Walter provided an explanation for his preference in equipment.

RESOLUTION 191-21

**GRADALL PURCHASE**

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

ADOPTED: Ayes 4 Maerten, Evchich, Fischer, Leible

Nays 1 Graham

WHEREAS, the Town of Pendleton Highway, Water, and Sewer Departments perform a multitude of public works tasks for the residents and property owners of the Town; and

WHEREAS, a wide-variety of equipment is necessary to provide public works services, meeting the public's need for maintenance, repair, installation, and general upkeep of infrastructure; and

WHEREAS, the Town of Pendleton owns an excavating machine, used by the Highway, Water, and Sewer Departments, that has been in service for many years and it has been communicated that replacement of this machine is a prudent action; and

WHEREAS, an equivalent replacement machine is available, has been inspected by public works personnel, and it is requested by the Highway Superintendent that this machine be purchased.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of September 2021 that the purchase of a Gradall XL4100 V 6X4, serial number 4140000298, be authorized for a cost not to exceed \$380,000.06, including trade-in of the Town's current Gradall unit. Furthermore, be it resolved, that a 48 month / 3000-hour extended warranty shall be purchased for a cost not to exceed \$6,660.00. This resolution shall take effect immediately.

RESOLUTION 192-21

**TRUCK #18 PLOW PURCHASE**

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 an Everest One-Way Plow for Truck #18, at a cost of \$9,990.00, from Valley Fab and Equipment, Inc., as a sole source item.

Highway/Water & Sewer Superintendent Walter presented a Purchasing Worksheet to the Town Board to request approval for a replacement of Water/Sewer Truck #16. The following information was provided:

Ford F-350 Super Cab Utility Truck Quotes

<b>Van Bortel Ford</b>	\$45,426.80
<b>Cappellino Chevrolet</b>	Chevy closed municipal contracts
<b>Joe Basil Chevrolet</b>	Chevy closed municipal contracts

Councilman Leible asked how old the current vehicle is and was told approximately 20 years old. Highway Superintendent confirmed that the current vehicle will be surplussed and auctioned once it is no longer in commission.

RESOLUTION 193-21

**WATER/SEWER DEPARTMENT TRUCK # 16 NEW PURCHASE**

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

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

Resolved to approve the purchase of a 2022 Ford F-350 SuperCab 4x4 truck from Van Bortel Ford for the cost of \$45,426.80 as detailed in the purchase proposal.

Highway/Water & Sewer Superintendent Walter explained to the Board that Sunnking is now charging the Town for the recycling of flat screen televisions. He requested that the Board consider increasing the fee that is charged to the residents to offset the cost.

RESOLUTION 194-21

**SCHEDULE PUBLIC HEARING - ELECTRONIC RECYCLING**

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

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

Resolved to schedule a public hearing for the 11<sup>th</sup> day of October, 2021, at 6:50 p.m. to establish an Electronic Recycling Fee Schedule.

RESOLUTION 195-21

**SCHEDULE PUBLIC HEARING – DIRECTIONAL BORES**

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of September 2021 that a public hearing shall be scheduled for the 11th day of October 2021 at 6:55 p.m. for the proposed adoption of a policy requiring directional boring for all water and sewer connections necessitating crossing of any public roadway in the Town of Pendleton. This resolution shall take effect immediately.

Next, Councilman Graham spoke about comments he has received about the “No Parking” signs on Townline Road near the pond. He mentioned that he has heard from residents that the signs are helping and that they are asking the Board to consider adding more signs. A discussion occurred regarding the legality of this and it was determined that the Highway Superintendent and the Town Attorney would look into this matter.

Supervisor Maerten mentioned that Deputy Water & Sewer Superintendent Aaron Baer is currently working on the scope of work needed for the security project that will be covered by the \$25,000.00 grant that the Town was awarded recently. He asked Engineer Britton to assist with the writing of the Request for Proposal needed to solicit bids for this project.

Councilman Evchich reported that he has heard some positive comments recently on the additional traffic patrols in the Town and the addition of the Park Security Officer. He stated that some residents have asked if the additional traffic patrols could be spread out more around the Town. Supervisor Maerten responded saying that Niagara County Sheriff Filicetti is in the process of preparing a proposal for this and will provide it to the Town in the near future.

Engineer Britton reported that a meeting was held today regarding the road dedication for The Meadows at Pendleton North construction project.

Attorney Joerg informed the Board that he has provided Assessor Chisholm with the finalized Article 7 Agreement for KeyBank.

Councilman Evchich asked for an update about leaf pickup now that the fall season has arrived. Several suggestions were made such as offering a large trash pickup day, placing a dumpster on Town property for leaf/yard debris drop-off, sharing services for leaf pickup with another town or dropping off at Krantz. A lengthy discussion took place regarding this. Supervisor Maerten said that he will reach out to Modern to inquire about the cost of providing a dumpster.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into an Executive Session with the Town Attorney, Town Building Inspector and the Town Assessor, to discuss personnel issues in the Assessor's office at 7:39 p.m. Motion carried.

Motion by Councilman Fischer, seconded by Councilman Graham, to adjourn from the Executive Session at 7:59 p.m. Motion carried.

Highway/Water & Sewer Superintendent Walter reported that letters will be mailed out to residents who will be affected by a temporary road closure on Meyer Road. The road will be closed on October 6<sup>th</sup> and possibly October 7<sup>th</sup> for the replacement of a crossover pipe on Meyer Road.

Supervisor Maerten confirmed with Budget Officer Matuski that a Budget Meeting will not be required for Monday, October 4, 2021, as previously scheduled.

Building Inspector Diedrich reported that he is in the process of shutting down the Log Cabin stating that the condition of the building is much worse than what he thought. Mr. Diedrich asked Mr. Walter if the Public Works staff will be able to assist with shutting off the utilities to the building. Councilman Leible reported that they will need a heater for the warehouse portion of that building to protect the contents until the new building is constructed. He said he will work on getting quotes.

Mr. Jim Sobczyk provided a brief update on the new Community Center project. He has a call scheduled with the architect tomorrow to get a complete schedule for the next stage of this project including soliciting bid documents. He suspects that the bids won't be requested until the spring.

Next, the meeting was opened for public comments. A resident spoke about his interactions with the Assessor's office this past year. He came to express his frustration with the Assessor's office due to lack of response regarding his missing Enhanced STAR exemption. He asked the Board what the Town will do to resolve this time sensitive issue. Supervisor Maerten apologized on behalf of the Town for the issues he mentioned. He will work to rectify this as soon as possible.

Another resident asked for details on the American Rescue Plan Act (ARPA) of 2021 award and how it will be allocated to the Wendelville Fire Company (WFC). Supervisor Maerten explained that the Town will receive the first half of approximately \$350,000.00 by the end of this year and the remaining half in 2022. He stated that \$200,000.00 has been set aside for WFC for the acquisition of equipment. The same resident provided the Board with information regarding the Board of Ethics stating that the meetings of this board must be open to the public. Councilman Graham and Supervisor Maerten explained that there have been no meetings of this board in recent years and if there are any scheduled they will be open to the public as required.

A third resident addressed the Board asking why the questions she has asked at previous meetings and submitted to the Board in writing have not been answered. She was instructed to contact one or more of the Board members individually by phone to ask her questions. She then asked a direct question about the recent issues with the Town Code and repealing of Local Laws. She was informed that the Town is in the process of resolving the pending issues with a goal of presenting it at the next meeting. She also commented on the resolution passed in 2018 regarding prohibiting hunting on Town property.

Motion by Councilman Fischer, seconded by Councilman Graham, to adjourn from the Work Session at 8:29 Motion carried.

A Budget Session immediately followed the Work Session. The 2022 Tentative Budget was presented to the Town Board. This meeting was open to the public. Minutes are not required for Budget Sessions as no motions, proposals, or resolutions are voted on during these sessions.