

**TOWN OF PENDLETON**  
**PUBLIC HEARING & REGULAR MEETING**  
October 11, 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 11<sup>th</sup> day of October 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.

**PUBLIC HEARING**

**PUBLIC HEARING – DIRECTIONAL BORING**

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on October 1, 2021 and on the Town’s website.

Supervisor Maerten opened the Public Hearing at 7:02 p.m.

The purpose of the hearing was to allow public input 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.

Supervisor Maerten provided a brief explanation of the Town’s desire to employ services for underground connections from a directional boring contractor with the expertise and equipment needed to avoid potential risks and liability that may fall upon the Town. The request was made by the Department of Public Works due to the requirement of directional boring for State roads and problems that have occurred on County roads. Quotes from qualified contractors will be provided in the future.

There were no questions or public comments during the hearing.

Motion made by Councilman Evchich, seconded by Councilman Graham, to close the Public Hearing at 7:04 p.m. Motion carried.

Next, Supervisor Maerten asked for a motion to cancel the previously scheduled Public Hearing regarding electronic fees stating that it will be rescheduled in the future. Motion made by Councilman Leible, seconded by Councilman Fischer, to cancel the Public Hearing. Motion carried.

Supervisor Maerten called the meeting to order at 7:05 p.m.

Roll Call:

Supervisor Maerten	Present
Councilman Evchich	Present
Councilman Fischer	Present
Councilman Graham	Present
Councilman Leible	Present

Also present:

Deborah Maurer – Town Clerk  
Ron Diedrich – Building Inspector/Code Enforcement Officer  
Dave Britton – Town Engineer  
Craig Walter – Highway/Water & Sewer Superintendent

There were eight residents in attendance. There was one caller on the line.

**ADDITIONS OR DELETIONS TO THE AGENDA**

The following revision was made to the agenda:

- Add – Schedule Public Hearing for Preliminary Budget
- Add – Executive Session

## **COMMUNICATIONS**

Town Clerk Maurer read a letter submitted from the current Town Historian, Carissa Smith, expressing her desire to be reappointed to the position in 2022.

## **PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

Two residents made brief comments about the proposed contract with the Niagara County Sheriff's Office (NCSO) and asked for explanations as to why the Town is interested in making this contract. They also asked for clarification of the responsibilities of the Town Constables and Park Security Officer. Supervisor Maerten explained the history of the hiring of the Town Constables and the Park Security Officer and why they would not be appropriate for the type of law enforcement that the Town is looking for at this time.

Before beginning the routine business of the meeting, Supervisor Maerten moved to the new business agenda item "Contract with Niagara County Sheriff's Office" to continue the discussion about the proposed contract. Supervisor Maerten introduced Niagara County Sheriff Michael Fillicetti and provided information as to how the proposed contract came about. He cited various concerns in town for law enforcement related issues such as speeding, reckless driving, minor burglaries, trail safety, all-terrain vehicles on Town roads, etc. Mr. Maerten also explained that the Town began paying for extra patrols in the Town approximately three years ago. While the extra patrols for traffic were efficient they did not address some of the other growing concerns in the Town. He explained that if the Town opts to engage in the proposed contract then Pendleton will have a deputy sheriff dedicated to the Town on a full-time basis. An informative and lengthy conversation continued with Sheriff Fillicetti answering questions posed by the Board and the public. It was also noted that the proposed contract is for five years, however, the contract can be cancelled at any time with a 30-day notice.

### **RESOLUTION 196-21**

#### **CONTRACT WITH NIAGARA COUNTY SHERIFF'S OFFICE**

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

WHEREAS, the safety and security of residents of the Town of Pendleton and all who visit and travel through our great town is of utmost importance; and

WHEREAS, the Town of Pendleton continues to grow, as the most recent United States 2020 Census information indicates a ten percent increase in population over the past ten years; and

WHEREAS, resident concerns shared with the Town Board continue to increase related to a variety of issues, including safety on the roadways, trails, and parks located in the Town of Pendleton; and

WHEREAS, the Town of Pendleton appreciates a strong ongoing relationship with the Niagara County Sheriff's Office, as conversations and actions of all parties have directed resources to addressing resident concerns, and

WHEREAS, it has been determined that a full-time presence of a Niagara County Sheriff's Office patrol in the Town of Pendleton is the most prudent action to address these concerns.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of October 2021 that the included contract with the Niagara County Sheriff's Office for a full-time patrol deputy for the Town of Pendleton is approved. This resolution shall take effect immediately.

## **ROUTINE BUSINESS**

### **RESOLUTION 197-21**

#### **APPROVAL OF MINUTES**

Motion by Councilman Fischer, 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 Work Session held on September 27, 2021, as presented by Town Clerk Maurer.

RESOLUTION 198-21

**ABSTRACT #19**

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

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

Nays 0

Resolved to authorize payment of Voucher Abstract #19, Vouchers # 21-00932 to 21-00988 to be paid on October 13, 2021:

General Fund	\$	24,899.18
Highway	\$	92,552.68
Sewer	\$	3,935.38
Water	\$	61,478.06
Trust & Agency	\$	5,437.00
Total	\$	188,302.30

**OTHER REPORTS**

**Supervisor Maerten** reported that tax collected for August 2021 was \$156,753.65. This is an increase of \$25,464.74 when compared with August 2020. The year to date received is \$1,245,410.79 which is an increase of \$218,464.25 from 2020.

Supervisor Maerten also reported that the Niagara County Department of Public Works (NCDPW) are in the process of engaging with a traffic engineer for recommendations for improvements to the intersection of Bear Ridge and Tonawanda Creek Roads. He also mentioned that the plans for the new community center are moving along and that the architect is making some minor adjustments to the plans.

**Councilman Leible** thanked the Highway Department for planting the memorial tree that was donated by Heidi Keller for a family member.

**Councilman Fischer** had nothing to report.

**Councilman Graham** had nothing to report.

**Councilman Evchich** had nothing to report.

**Engineer Britton** reported that he is working on obtaining the data needed to update the zoning maps.

Supervisor Maerten added that acting Deputy Water & Sewer Superintendent Aaron Bair is working on gathering information needed for the security grant.

**Budget Officer Maturski** was in attendance and addressed the Board later during the budget session.

**DEPARTMENT HEADS**

**Town Clerk Maurer** stated that all monthly departmental reports which have been submitted to her are posted online for review. She also reported that passport processing has picked up a bit in her office.

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

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

**NEW BUSINESS**

RESOLUTION 199-21

**TOWN HALL FIRE ALARM COMMUNICATOR QUOTES**

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

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

Nays 0

WHEREAS, the Town of Pendleton has installed and maintains fire alarm systems in Town-owned buildings; and

WHEREAS, an upgrade to the alarm monitoring systems is necessary; and

WHEREAS, an attempt was made to solicit three (3) quotes from reputable vendors of alarm monitoring systems' installation and services, and two (2) written quotes were provided to the Town; and

WHEREAS, quotes were received from Amherst Alarm for \$595.00 installation with \$418.00 per year monitoring and Armored Access for \$780.00 installation with \$37.00 per month monitoring, and

WHEREAS, Armored Access has most recently installed monitoring systems as well as a variety of computer networking components and the quality of service has been deemed high-quality and responsive, and

WHEREAS, it is determined that Armored Access is the most appropriate vendor of monitoring services and the relatively minor difference in cost is negligible compared to quality of service and responsiveness.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of October 2021 that a contract with Armored Access is approved for \$780.00 alarm monitoring installation cost and \$37.00 per month monitoring for up to three (3) years. This resolution shall take effect immediately.

#### RESOLUTION 200-21

##### **HIGHWAY GARAGE FUEL SYSTEM**

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

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

WHEREAS, the Highway, Water, and Sewer Departments of the Town of Pendleton purchase and store fuel onsite and meter the dispensed fuel through a computerized system sold and serviced by The Pump Doctor; and

WHEREAS, and this system is known and referred to as the Gasboy system; and

WHEREAS, it has been determined that the current Gasboy system is obsolete and no longer serviceable, and

WHEREAS, it is essential that the Gasboy system continues to reliably and accurately operate to appropriately inventory and charge fuel dispensing by various departments and Town-affiliated agencies, and

WHEREAS, The Pump Doctor is hereby determined to be a sole source provider of equipment, parts, and service of the Gasboy system.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of October 2021, that the current gas dispensing system be replaced by The Pump Doctor at a cost not to exceed \$21,125.95. This resolution shall take effect immediately.

#### RESOLUTION 201-21

##### **WATER METERS AND READERS**

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

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

WHEREAS, the Water & Sewer Department is responsible for maintenance of the Town's water system, including metering devices for water consumption; and

WHEREAS, new construction requires the installation of water metering devices and metering devices currently in service need replacement when no longer functioning properly; and

WHEREAS, the Water & Sewer Department requests permission to purchase water meters for inventory for future use.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of October 2021, to authorize the purchase of sixty (60) water meters of varying sizes for a total cost of \$8,310.00 from Lock City Supply. Further, be it resolved, that Lock City Supply is acknowledged as a sole source provider of Badger meters. This resolution shall take effect immediately.

RESOLUTION 202-21

**MUELLER FIRE HYDRANTS**

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

WHEREAS, the Water & Sewer Department is responsible for maintenance of the Town's water system, including hydrants placed for use in fire suppression; and

WHEREAS, the replacement of six (6) hydrants has been determined to be necessary, including possible acquisition of additional hydrant units for inventory and parts; and

WHEREAS, the Water & Sewer Department installs Mueller hydrants and it is prudent to maintain consistency in the make and model of hydrants installed throughout the Town.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of October 2021 that Mueller hydrants are declared the standard for hydrants in the Town of Pendleton, Lock City Supply is declared the sole source supplier of Mueller hydrants, and the Water & Sewer Department is authorized to purchase six (6) Mueller hydrants at a cost not to exceed \$11,244.11. This resolution shall take effect immediately.

RESOLUTION 203-21

**OBLIGOR RESOLUTION FOR PURCHASE OF GRADALL**

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

WHEREAS, on September 27, 2021 the Town Board of the Town of Pendleton approved the purchase of a Gradall excavating unit from Alta Equipment for a cost not to exceed \$380,000.06; and

WHEREAS, it was determined by the Town Board that financing of this purchase was the most prudent financial decision for the acquisition of this Gradall unit; and

WHEREAS, it is necessary and required to approve an obligor resolution to finalize financing for the acquisition of the Gradall XL4100 V 6X4, serial number 4140000298.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of October 2021 that the included resolution language from State Bank is approved and the Town Supervisor is authorized to sign any and all contract documentation related to this contract. This resolution shall take effect immediately.

RESOLUTION 204-21

**SCHEDULE PUBLIC HEARING – 2022 PRELIMINARY BUDGET**

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 presentation to the public of the Preliminary Budget for 2022, on November 3, 2021 at 7:00 p.m.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into an Executive Session with the Town Attorney, Town Clerk and Town Building Inspector, to discuss a personnel issue in the Assessor's Office, at 7:47 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Session at 8:11p.m. Motion carried.

**RESOLUTION 205-21**

**ASSESSOR POSITION**

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

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

WHEREAS, by resolution dated February 3, 2020, James Chisholm was appointed as Acting Assessor for the Town for a period “up to six months” pursuant to Real Property Tax Law (RPTL) Section 314; and

WHEREAS, the period of this appointment has since expired, and Mr. Chisholm has not been appointed as permanent Assessor pursuant to RPTL Section 310; and

WHEREAS, the Town Board has determined not to extend the term of Mr. Chisholm pursuant to RPTL Section 314;

NOW THEREFORE BE IT RESOLVED, that the Town Board declares the position of Assessor vacant; and

BE IT FURTHER RESOLVED, that Mr. Chisholm’s appointment as Acting Assessor is hereby terminated effective immediately; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to take any and all steps necessary to effectuate this resolution.

**BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that the following meetings have been scheduled:

- Budget Meeting, October 18<sup>th</sup> at 7:00 p.m. – tentatively scheduled
- Work Session, October 25<sup>th</sup> at 7:00 p.m. followed by a Budget Meeting
- Public Hearing, November 3, 2021 – Preliminary Budget

**PUBLIC REMARKS/COMMENTS**

One resident stated that she did not agree with the Town’s decision to enter into the agreement with the Niagara County Sheriff’s Office saying that she doesn’t see the need for it. The same resident also thanked Supervisor Maerten for the information that he includes in his newsletter articles.

Another resident remarked about the fact that the park policy has not yet been updated, asked about the status of the code updates, and requested that information on the new community center be posted online. Supervisor Maerten reported that the attorneys are working on the code status and he will provide the Town Clerk with the plans for the community center so they can be posted on our website.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Regular Meeting at 8:25 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk