

**TOWN OF PENDLETON  
REGULAR MEETING  
November 8, 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 8<sup>th</sup> day of November 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.

Supervisor Maerten called the meeting to order at 7:01 p.m.

Supervisor Maerten noted the postponement of the originally scheduled Public Hearing regarding the Cannabis Law. This Public Hearing will be rescheduled.

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  
Mark Walter – Deputy Town Supervisor  
Tom Matuski – Budget Officer  
Stephanie Chase – Deputy Town Clerk

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 – Street Sweeper
- Add – Schedule Public Hearing
- Add – 2021 Budget Transfers
- Add – Executive Session – Personnel Issues
- Move – Executive Session – Contract Negotiations

**COMMUNICATIONS**

Town Clerk Maurer stated that the Pendleton Veterans Association will be holding a wreath laying ceremony in observation of Veterans Day on Thursday, November 11, 2021 at 11:00 a.m. outside of Town Hall. The public is invited to attend this outdoor event. Mrs. Maurer also informed the Board of a letter that was received from Planning Board member Daniel Vivian expressing his desire to be reappointed to the position in 2022.

**PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

Two residents asked questions about the proposed budget amendments. It was noted that a discussion on each item will be had before a vote is taken.

**ROUTINE BUSINESS**

RESOLUTION 210-21

**APPROVAL OF MINUTES – OCTOBER 11, 2021**

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 meeting minutes for the Regular Meeting held on October 11, 2021, as presented by Town Clerk Maurer.

RESOLUTION 211-21

**APPROVAL OF MINUTES – OCTOBER 25, 2021**

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 meeting minutes for the Work Session held on October 25, 2021, as presented by Town Clerk Maurer.

RESOLUTION 212-21

**APPROVAL OF MINUTES – NOVEMBER 3, 2021**

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 meeting minutes for the Public Hearing held on November 3, 2021, as presented by Town Clerk Maurer.

RESOLUTION 213-21

**ABSTRACT #21 – PART ONE**

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 #21 PART ONE, Vouchers # 21-01020 to 21-01037 to be paid on November 10, 2021:

General Fund	\$	1,480.00
Total	\$	1,480.00

RESOLUTION 214-21

**ABSTRACT #21 – PART TWO**

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 #21 PART TWO, Vouchers # 21-01070 to 21-01117 to be paid on November 10, 2021:

General Fund	\$	48,887.05
Highway	\$	14,922.48
Sewer	\$	6,190.92
Water	\$	8,621.13
Trust & Agency	\$	23,929.50
Total	\$	102,551.08

**OTHER REPORTS**

**Supervisor Maerten** reported that tax collected for 2021 was \$218,029.64. This is a decrease of \$7,794.03 when compared with September 2020. The year to date received is \$1,463,440.43 which is an increase of \$210,670.22 from 2020.

**Councilman Leible** read the Water & Sewer Department Report for the month of October. He reported that the Sewer Department had 12 regular and two overtime calls, completed one sewer line repair and rebuilt pumps. They also completed duplex checks, delivered refuse totes and updated three grinder tanks. The Water Department read water meters, completed three water service pushes, installed a hydrant meter, completed 100 stakeouts and assisted with the water/sewer billing process. The Water Department also winterized the Town park bathrooms and began winterizing fire hydrants. Mr. Leible also stated that the Winter newsletter articles are due to him by November 20, 2021 because of the Thanksgiving holiday.

**Councilman Fischer** read the Highway Department Report. He stated that in October, the Highway Department replaced and blacktopped a crossover pipe on Meyer Road, repaired culvert pipes, mowed the parks, cleaned ditches, completed shoulder work and chipped brush. They are also in the process of preparing equipment for the winter months. Councilman Fischer thanked

the Highway Department for their repair work on the water main break on Campbell Boulevard. He also reported that the Pendleton Farm and Home Days committee has started meeting to plan next year's event.

**Councilman Graham** reminded residents to stay vigilant in locking their vehicles as he has seen reports of numerous car break-ins around town.

**Councilman Evchich** stated that he has reached out to a local IT consultant to provide a quote for IT services for the Town. He mentioned that the consultant will be meeting with the Town Clerk to discuss the current needs of the Town.

**Engineer Britton** reported that he is waiting for additional information from Niagara County Real Property before he can complete the mapping update project. He also provided an update on the SAM Grant for the Salt Storage Facility/Emergency Generator. He stated that the New York State Department of Environmental Conservation (NYSDEC) re-delineated the wetlands at the proposed location of the building and that additional paperwork needs to be submitted.

**Budget Officer Maturski** had nothing to report at this time but stated that he will be available to answer questions during the budget amendment section of the meeting.

## 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 renewals for continued "additional tote refuse service" have gone out and payments have already been submitted for more than 50% of the recipients. Payment is due by November 30, 2021 to continue service for the following year.

**Highway/Water & Sewer Superintendent Walter** explained that a new snow and ice contract will be coming before the Board in the near future. He also stated that the Highway Department will continue chipping brush until Thanksgiving.

**Building Inspector Diedrich** reported that he recently met with the engineering firm working on Wendelville Fire Company's substation #2 which will be constructed on Main Road. He worked with the engineer on some minor revisions to the drawings and gave the "green light" to go ahead with the project.

## NEW BUSINESS

Supervisor Maerten provided the Town Board and the audience with a list of proposed budget amendments. He reviewed the list and provided explanations for each proposed amendment. Discussions occurred between the Board members, the Budget Officer and other department heads. The lengthiest discussion was regarding the increase proposed for Town Hall – IT Coordinator A1620.0131. Councilman Evchich stated that he is pursuing quotes from other IT vendors. Councilman Graham reported that he had an in-depth conversation with the Niagara County IT Director, William Flynn, who explained the necessity of the IT Coordinator position and the responsibilities put upon that person. Town Clerk Maurer, who currently holds this position, also provided additional information and answered questions regarding this topic.

## RESOLUTION 215-21

### 2022 BUDGET AMENDMENTS TO PRELIMINARY BUDGET

Motion by Councilman Evchich, 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 8<sup>th</sup> day of November 2021 that the following amendments shall be made to the proposed 2022 Town of Pendleton budget:

- Town Board - Personal Services - A1010.0100 from \$31,744 to \$35,828
- Supervisor - Personal Services - A1220.0100 from \$19,619 to \$26,310
- Supervisor - Personal Services Secretary - A1220.0110 \$17,670 to \$18,819
- Attorney - A1420.0100 \$45,000 to \$52,590

Attorney – Contractual Expense - A1420.0400 \$15,000 to \$0  
Attorney - Litigation - A1420.0400 \$0 to \$10,000  
Town Hall - IT Coordinator - A1620.0130 \$5,228 to \$11,440  
Playgrounds & Rec. Ctrs. - Community Center - A7140.0210 from \$200,500 to \$800,500  
Revenue Greenway Grant - A3450 from \$0 to \$200,000  
Revenue Transfer Building Reserve - A50312 from \$205,000 to \$605,000  
Revenue Non-Property Tax - A1120 \$497,489 to \$512,612

RESOLUTION 216-21

**APPROVAL OF 2021 PRELIMINARY BUDGET WITH AMENDMENTS**

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

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

Nays 0

Resolved to adopt the 2022 Preliminary Budget as proposed with amendments [RESOLUTION 215-21]

Next, Highway/Water & Sewer Superintendent Walter provided the following quotes for Directional Boring:

Custom Crews Inc.	\$1,800.00
Zima Underground, Inc.	\$1,800.00
R.I.C. Plumbing, Inc.	Quote not returned

RESOLUTION 217-21

**DIRECTIONAL BORING**

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

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

Nays 0

WHEREAS, the Water & Sewer Department of the Town of Pendleton is responsible for new connections to the Town's water and sewer systems; and

WHEREAS, whereas connections to the Town's water and sewer systems for parcels located on the opposite side of the roadway from water and sewer main lines require placement of system components beneath the roadway; and

WHEREAS, it is in the best interest of the Town of Pendleton to establish a policy requiring directional boring for the placement of all water and sewer service lines to be located beneath the surface of roadways owned and maintained by New York State, Niagara County, and the Town of Pendleton; and

WHEREAS, multiple quotes for directional boring services were obtained by the Water & Sewer Department, including mobilization fees for unforeseen obstacles which hinder or prevent a typical roadway crossing.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8<sup>th</sup> day of November 2021 that it is the policy of the Town of Pendleton to require directional boring for installation and placement of all water and sewer line connections that require the placement of system components beneath the surface of public roadways. Further, be it resolved, that Custom Crews, Inc. (CCI) is the preferred contractor for boring services based on a quote of \$1,800.00 per directional bore and \$350.00 set-up and mobilization fee for unforeseen obstacles. This resolution shall take effect immediately.

RESOLUTION 218-21

**ADVERTISEMENT OF HIGHWAY DEPARTMENT OPENINGS**

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 require a minimum level of staffing to meet the needs of the residents and property owners of the Town of Pendleton, maintaining infrastructure and performing vital tasks; and

WHEREAS, two full-time employees of the Highway Department are retiring effective December 31, 2021; and

WHEREAS, it is prudent to begin the process to hire two replacement employees to fill these anticipated vacancies.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of November 2021 that the Town Supervisor is authorized to create a posting for anticipated openings that may include truck drivers, mechanical equipment operators, and a mechanic. Furthermore, the Town Clerk is authorized to publicly advertise these openings. This resolution shall take effect immediately.

RESOLUTION 219-21

**STREET SWEEPER – SHARE OF PURCHASE**

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

WHEREAS, the Town of Pendleton currently co-owns and shares maintenance costs of a street sweeper as part of a consortium of four towns; and

WHEREAS, the current street sweeper is deemed to need replacement by a consensus of the ownership consortium; and

WHEREAS, a proposal has been submitted for purchase of a new street sweeper in consortium with a total of five towns, of which the Town of Pendleton is one.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of November 2021 that continued participation in the consortium of street sweeper owners is authorized and payment of the Town of Pendleton's share of the purchase price of a new street sweeper is approved for an amount not to exceed \$48,502.00. This resolution shall take effect immediately.

RESOLUTION 220-21

**SCHEDULE PUBLIC HEARING – CANNABIS LAW**

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 December 13, 2021 at 6:55 p.m. to allow public comment on a proposed local law to opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses.

RESOLUTION 221-21

**2021 BUDGET TRANSFERS**

Motion by Councilman Graham, seconded by Councilman Evchich, 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 8<sup>th</sup> day of November 2021 that the following transfers shall take effect immediately:

From: General Fund Accounts Attorney Contractual - A00-1420-400 - \$56,642.00.

From: Town Hall Fixed Assets – A00-1620-200 - \$1,497.00.

From: Business Development contractual – A00-1989-400 - \$568.23.

From: Town Hall contractual - A00-1620-400 - \$768.91.

From: Contingency - A00-1990-400 - \$30,000.00

Total = \$89,476.14

To: Supervisor - Fixed Assets - A00-1220-200 - +557.81.

To: Town Clerk - Fixed Assets - A00-1410-200 - +653.04.

To: Attorney - Personnel Services - A00-1420-100 - +56,642.00.

To: Attorney Contractual - Professional - A00-1420-420 - +1,665.33.

To: Engineer General - Contractual - A00-1440-413 - +3,844.25.

To: Town Hall - Personnel Services - A00-1620-100 - +11,476.00.

To: Unallocated Insurance - A00-1910-400 - +5,617.54.

To: Business Development - Farmer's Market - A00-1989-410 - +568.23.



To: Safety Inspection - Fixed Assets - A00-3620-200 - +286.15.  
To: Economic Opportunity - Contractual - A00-6326-400 - +2,000.00.  
To: Parks Personnel Services - A00-7110-100 - +3,353.08.  
To: Planning Board - Contractual - A00-8020-400 - +2,762.73.  
To: Drainage - Contractual - A00-8540-400 - +49.98.

Total = \$89,476.14

## BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that the following meetings have been scheduled:

- Regular Meeting – December 13, 2021 at 7:00 p.m.
- Public Hearing – December 13, 2021 at 6:55 p.m.

## PUBLIC REMARKS/COMMENTS

A resident suggested that the Town create a Request for Proposal (RFP) for potential IT vendors.

Councilman Leible asked the Board for an update on the search for a new Assessor. It was noted that interviews will begin on November 12, 2021 for this position.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor and the Highway/Water & Sewer Superintendent to discuss a personnel issue in the Water & Sewer Department at 7:47 p.m. Motion Carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to enter into a second Executive Session, immediately following the first Executive Session, with the Town Attorney and the Deputy Town Supervisor for contract negotiations at 7:47 p.m. Motion Carried.

Motion by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Executive Sessions and Regular Meeting at 8:15 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk