

**TOWN OF PENDLETON
REGULAR MEETING
August 8, 2022**

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 8th day of August 2022 at 7:00 p.m. The meeting was open to the public.

Supervisor Maerten called the meeting to order at 7:04 p.m.

Supervisor Maerten read the invocation and the salute to the flag.

Roll Call:

Supervisor Maerten	Present
Councilman Evchich	Present
Councilman Hickman	Present
Councilman Leible	Absent
Councilman Lombardo	Present

Also present:

Deborah Maurer - Town Clerk
Claude Joerg – Town Attorney
Dave Fischer – Highway/Water and Sewer Superintendent
Dave Britton – Town Engineer
Ron Diedrich – Building Inspector/Code Enforcement Officer
Tom Valentine – Assessor
Mark Walter – Deputy Town Supervisor
Wolfgang Buechler – Zoning Board of Appeals Chairman
Niagara County Deputy Sheriff Daryl Kroening

There were eight residents in attendance.

ADDITIONS OR DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Replace Executive Session with MOA from Teamsters
- Add – Surplus Equipment and Material

COMMUNICATIONS

Town Clerk Maurer reported that a letter from the New York State Public Service Commission (NYSPSC) was received on 7/20/22 regarding a petition filed by the North American Numbering Plan Administrator (NANPA) to overlay a new telephone area code over the existing 716 area code. Public comments are sought by NYSPSC and due by September 18, 2022. Additional information on this subject can be found on the Town's website or by contacting the Town Clerk.

Mrs. Maurer also reported that correspondence was received from resident, Sara Siracuse, regarding the pending appointment of David Britton as Town Engineer through his new company.

Copies of the correspondence mentioned at this meeting are filed in an official binder located in the Town Clerk's Office.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident commented on Agenda Item #7 – SEQR – Equipment and Infrastructure Upgrades. She wanted to know the grant number associated with this SEQR and pointed out some potential errors in the form.

Another resident had comments about the proposed SEQR, pay for security at Pendleton Farm and Home Days, the purchase of the truck body and the purchase of the water meters. She

provided a list of her questions to the Town Clerk, to be shared with the Board at the end of the meeting.

ROUTINE BUSINESS

RESOLUTION 176-22

APPROVE MEETING MINUTES

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

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
Nays 0
Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022, that the meeting minutes for the Regular Meeting held on July 11, 2022, are approved as presented by Town Clerk Maurer.

RESOLUTION 177-22

ABSTRACT #14

Motion by Councilman Hickman, seconded by Councilman Lombardo, the following resolution was

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
Nays 0
Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022, to authorize payment of Voucher Abstract #14, Vouchers #22-00758 to #22-00812 that was paid on July 27, 2022:

General Fund	\$	15,482.66
Highway	\$	18,338.15
Refuse	\$	45,539.41
Sewer	\$	1,542.75
Water	\$	2,172.31
Total	\$	83,075.28

RESOLUTION 178-22

ABSTRACT #15

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

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
Nays 0
Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022, to authorize payment of Voucher Abstract #15, Vouchers #22-00813 to #22-00865 to be paid on August 10, 2022:

General Fund	\$	137,032.71
Highway	\$	19,958.02
Refuse	\$	238.50
Sewer	\$	6,630.05
Water	\$	5,732.72
Total	\$	169,592.00

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for June 2022 was \$207,857.91. This is a decrease of \$27,515.73 when compared with June 2021. The year to date received for 2022 is \$1,128,458.33 which is an increase of \$198,884.12 from 2021.

Councilman Evchich reported that he received another call from the Niagara Thunderwolves baseball organization inquiring about running the Town's baseball program next year. He stated that there is still a concern about the drainage at the park and would like guidance from the Town Board and Recreation Committee about this matter.

Councilman Hickman had nothing new to report.

Councilman Lombardo stated that he has been very busy speaking with residents and continuing to learn the ins and outs of his role as Town Councilman.

Attorney Joerg had nothing to report.

Next, Supervisor Maerten spoke about the upcoming proposed resolution to appoint Dave Britton as Town Engineer. He explained that Mr. Britton has moved from GHD to Nussbaumer & Clarke, Inc. and the Town has been very happy with his work over the years. He remarked that the Town would like to continue working with Mr. Britton. Supervisor Maerten asked Mr. Britton to address the process of this transition to the audience.

Engineer Britton first noted that on August 2, 2022, the Public Service Commission determined that the application for the Bear Ridge Solar Project is complete and the project is moving forward. He then provided an explanation of the transition to Nussbaumer & Clarke, Inc. Mr. Britton stated that he has long term working relationship with Nussbaumer & Clarke CEO Michael Marino, who was present at the meeting. They have a relationship now with GHD and will continue working with them to ensure a smooth transition of the current Town projects. He also provided updates on those projects and explained that he will pick up right where he left off. He stated that the new contract will not include any additional costs, the retainer fee will be identical to what it was with GHD, and that his rates are actually lower which will result in a cost reduction to the Town. Councilman Evchich inquired about the previously approved \$70,000.00 contract for work on the Community Center. Mr. Britton stated that he will draft a new letter requesting permission to continue work on this project with Nussbaumer & Clarke, Inc.

DEPARTMENT HEADS

Town Clerk Maurer reported that she received and posted the monthly reports from the following departments: Assessor's Office, Building Department, Town Clerk's Office, Water & Sewer Collection, and Water & Sewer Department. She also received and posted the 2nd Quarter Budget Performance Report from Budget Officer Maturski. Mrs. Maurer reminded everyone, on Councilman Leible's behalf, that the Fall newsletter articles are due on August 25th. Lastly, she stated that she has been working with Councilman Lombardo on changes to improve the voucher abstract process.

Highway and Water/Sewer Superintendent Fischer stated that during the month of July, the Highway Department completed mechanical work on the off-road mowers, washed and detailed heavy equipment to keep it running properly, picked up the 2022 Mack truck, and repaired and painted the gas pump card reader building. They also brought a lot of stone in for the salt shed and used the Town of Cambria's roller to compact it. He also reported that Old Tonawanda Creek Road was milled and they are prepping Oakwood Drive for paving. Additionally, off-road trenching has been done on Oakwood Drive.

Building Inspector Diedrich reported that Chris Burgio started in the position of part-time Building Inspector/Code Enforcement Officer a few weeks ago. He commented that Mr. Burgio is very ambitious and knowledgeable and is already working very hard. Mr. Diedrich is excited to have Mr. Burgio on board and feels that he is a great fit to the department.

Assessor Valentine reported that he is continuing to update the system files with both corrections and new information on properties in Pendleton. He also stated that property information has been uploaded to the PROS website which can be accessed through the Town's website. Mr. Valentine reported that he recently participated in a two-day online seminar about exemptions and that two Article 7 tax assessment reviews have been filed with the Town.

NEW BUSINESS

RESOLUTION 179-22

PURCHASE OF TRUCK BODY - UPDATED

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

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
 Nays 0
 Absent 1 Leible

WHEREAS, the Town Board of the Town of Pendleton authorized the purchase of a truck body by resolution at the July 11, 2022 meeting; and

WHEREAS, adopted resolution authorized an expenditure up to \$19,550.00; and

WHEREAS, upon confirmation of this work with the approved vendor it was identified that the actual cost is \$20,150.00.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022 purchase of a truck body from Valley Fab of Boston, NY, including installation, is authorized for an amount not to exceed \$20,150.00. This resolution shall take effect immediately.

RESOLUTION 180-22

PURCHASE OF MOTOR GRADER

Motion by Councilman Hickman, seconded by Councilman Lombardo, the following resolution was

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
Nays 0
Absent 1 Leible

WHEREAS, the Town of Pendleton Highway Department uses a wide-variety of equipment to maintain and improve roads, trails, and drainage systems in the Town; and

WHEREAS, the Highway Superintendent has requested authorization to purchase a motor grader from the Town of Wheatfield to assist with public works projects; and

WHEREAS, the condition and operability of this motor grader has been evaluated by the Town's mechanic; and

WHEREAS, the Town Board of the Town of Wheatfield authorized this proposed sale by resolution.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022 that purchase of the 1972 Galion Model T-500, Series A motor grader, serial number T500A- IC-04258, for \$5,000.00 from the Town of Wheatfield is approved. This resolution shall take effect immediately.

RESOLUTION 181-22

PURCHASE OF WATER METERS

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

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
Nays 0
Absent 1 Leible

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

WHEREAS, it is necessary to acquire water meters and readers for inventory as well as replacement at multiple specific locations; and

WHEREAS, the Water & Sewer Department requests permission to purchase a specific quantity of water meters and readers.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022 that the purchase of water meters from Badger Meter for a cost of \$18,328.05 is authorized.

FURTHER, BE IT RESOLVED, that Badger Meter is recognized as a sole source provider of Badger meters. This resolution shall take effect immediately.

RESOLUTION 182-22

PURCHASE OF PUMP PARTS

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

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
Nays 0
Absent 1 Leible

WHEREAS, the Town of Pendleton Water & Sewer Department is responsible for the maintenance and upkeep of Town infrastructure; and

WHEREAS, it is necessary to maintain an inventory of various components necessary for the maintenance and upkeep of water and sewer infrastructure; and

WHEREAS, the Deputy Water & Sewer Superintendent has provided a Purchasing Worksheet with supporting documentation for the purchase of needed items for the rebuilding of pumps manufactured by a specific company; and

WHEREAS, approval of this purchase is necessary prior to acquisition of the requested items.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022 that the purchase of pump parts from Siewert Equipment for a cost of \$9,307.45 is authorized.

FURTHER, BE IT RESOLVED, that Siewert Equipment is recognized as a sole source provider of components for pumps manufactured by a specific company. This resolution shall take effect immediately.

RESOLUTION 183-22

TOWN ENGINEER APPOINTMENT

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

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
Nays 0
Absent 1 Leible

WHEREAS, at the reorganizational meeting of the Town Board on January 10, 2022 a resolution was passed appointing David Britton of GHD Consulting Services as the Town Engineer for 2022; and

WHEREAS, as Mr. Britton is no longer affiliated with GHD Consulting Services as of July 22, 2022; and

WHEREAS, David Britton is currently affiliated with Nussbaumer & Clarke, Inc. with headquarters in Buffalo, New York; and

WHEREAS, Mr. Britton has dutifully served as the Town Engineer for over twenty years and it is in the best interest of the Town of Pendleton to continue with his appointment as Town Engineer with his current professional affiliation.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022 that David Britton of Nussbaumer & Clarke, Inc. is appointed the Town Engineer for 2022. This resolution shall be considered effective as of July 23, 2022.

RESOLUTION 184-22

INFILTRATION AND INFLOW PROJECT

Motion by Councilman Hickman, seconded by Councilman Lombardo, the following resolution was

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
Nays 0
Absent 1 Leible

WHEREAS, residents and property owners of the Town of Pendleton rely on the sewer system infrastructure maintained by the Town of Pendleton Water & Sewer Department; and

WHEREAS, limiting infiltration and inflow into the sewer system maintained by the Town of Pendleton assists in reducing the cost of system operation; and

WHEREAS, the Niagara County Sewer District annually provides \$20,000.00 of funding to member towns for projects which reduce system infiltration and inflow; and

WHEREAS, multiple quotes have been received for a proposed 2022 project that will continue the ongoing work focused on reducing infiltration and inflow.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022 that the quote from RIC Plumbing for \$24,800.00 for the Town's 2022 infiltration and inflow project is accepted.

FURTHER, BE IT RESOLVED, that the payment of the cost above the reimbursable allocation of funding from the Niagara County Sewer District will be paid by the Town of Pendleton. This resolution shall take effect immediately.

Supervisor Maerten remarked that he would like to thank Assemblymember Karen McMahon for assisting with providing \$250,000.00 of funding for designated projects in the Town which will cover repaving the Town Hall parking lot, paving some areas at the Highway Garage as well as the purchase of skid steer equipment which was authorized last spring [RESOLUTION 90-22]. He noted that some of the skid steer equipment has already been received and that the paving is scheduled for 2023. The Town will work with Rotella Grant Management and Engineer Britton to complete the final commitment letter with DASNY. A discussion continued with Engineer Britton regarding the short form SEQR form which is next on the agenda.

RESOLUTION 185-22

SEQR – EQUIPMENT AND INFRASTRUCTURE UPGRADES

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

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
 Nays 0
 Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022, to accept the SEQR as presented with changes as discussed.

RESOLUTION 186-22

PENDLETON FARM & HOME DAYS FIREWORKS PERMIT

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

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
 Nays 0
 Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022 that all permit fees related to the fireworks display planned for the Pendleton Farm & Home Days on August 19 and 20, 2022 are waived. This resolution shall take effect immediately.

RESOLUTION 187-22

NIAGARA COUNTY SHERIFF'S OFFICE SECURITY – PF&HD

Motion by Councilman Hickman, seconded by Councilman Lombardo, the following resolution was

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
 Nays 0
 Absent 1 Leible

WHEREAS, the Town of Pendleton has an ongoing relationship with the Niagara County Sheriff's Office, which includes payment for patrol services for specific events; and

WHEREAS, the annual Pendleton Farm and Homes Days event is scheduled to take place on August 19 and 20, 2022 and will take place in the Town Park; and

WHEREAS, the Pendleton Farm and Home Days event organizers have requested security assistance during specific hours on each of the two scheduled days of the event; and

WHEREAS, it is in the public's interest to provide the requested resources for security.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022 that the Town Supervisor is authorized to contract with the Niagara County Sheriff's Office for three (3) officers to provide event security on each of the two scheduled days of the event, each officer working approximately five (5) hours each date. This resolution shall take effect immediately.

RESOLUTION 188-22

TOWN CONSTABLE SECURITY – PF&HD

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

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
Nays 0
Absent 1 Leible

WHEREAS, the Town of Pendleton Constables provide security as needed for Town property and facilities; and

WHEREAS, the annual Pendleton Farm and Homes Days event is scheduled to take place on August 19 and 20, 2022 and will take place in the Town Park; and

WHEREAS, the Pendleton Farm and Home Days event organizers have requested security assistance during overnight hours, after the event has ended on each of the two scheduled days; and

WHEREAS, it is in the public's interest to provide the requested resources for security.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022 that two (2) Town Constables are authorized to provide security services in the Town Park from 11:00 pm on August 19, 2022 to 7:00 am on August 20, 2022 and also from 7:00 pm on August 20, 2022 to 7:00 am on August 21, 2022. This resolution shall take effect immediately.

RESOLUTION 189-22

EQUIPMENT AND MATERIAL SURPLUS

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

ADOPTED: Ayes 4 Maerten, Evchich, Hickman, Lombardo
Nays 0
Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of August 2022 that the following items are declared surplus:

- (1) - Echo chainsaw
- (1) - Snap on floor jack (non-operational)
- (1) - Stihl chainsaw 010av (non-operational)
- (1) - Hose reel
- (1) - Stihl chainsaw MS 170
- (1) - Push mower
- (1) - Steel Harder Salter (#9)
- Misc. sections of steel ductile pipe
- (1) - One-way plow (#18)
- Misc. sections of steel culvert pipe
- (1) - Dump box (#8)
- (6) - sections of 4" roll pipe
- (1) - Two-way plow (#18)
- (17) - 20' sections of 4" pipe perforated
- (1) - 3" coil perforated misc. size pipe

This resolution shall take effect immediately.

MOA with Teamsters

Supervisor Maerten opted to table this agenda item until the September Regular Meeting.

BOARD MEMBERS DISCUSSION

Supervisor Maerten stated that a Work Session is *tentatively* scheduled for August 22, 2022 at 7:00 p.m. and the next Regular Board Meeting is scheduled for September 12, 2022 at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

A resident asked if the recent purchase of materials for the ADA bathrooms was the same as what was previously purchased a few years ago. She also had questions pertaining to the 2nd Quarter Budget Performance Report, the funding for the Pendleton Farm & Home Days, and the creation of a committee to oversee the CFA grant. Her list of questions was provided to the Town Clerk at the end of the meeting.

Motion by Councilman Hickman, seconded by Councilman Evchich, to adjourn from the Regular Meeting at 7:50 p.m. Motion carried.

Deborah K. Maurer, Town Clerk

PENDING APPROVAL