

**TOWN OF PENDLETON  
REGULAR AND ORGANIZATIONAL MEETING & PUBLIC HEARINGS  
January 10, 2022**

A Regular and Organizational Meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 10<sup>th</sup> day of January 2022 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 HEARINGS**

**PUBLIC HEARING #1 – TOWN OF PENDLETON CODE OF ETHICS**

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on January 4, 2022 and on the Town's website.

Supervisor Maerten opened the first Public Hearing at 6:57 p.m.

The purpose of the hearing is to allow public input on the readopting of the Town Code of Ethics as it appears on the Town's website at [www.pendletonny.us](http://www.pendletonny.us).

There were no questions or public comments during the hearing.

Motion made by Councilman Graham seconded by Councilman Evchich to close the Public Hearing at 6:58 p.m. Motion carried.

**PUBLIC HEARING #2 - REZONING REQUEST - 6255 CAMPBELL BOULEVARD**

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on January 4, 2022 and on the Town's website.

Supervisor Maerten opened the second Public Hearing at 6:58 p.m.

The purpose of the hearing is to allow public input on a rezoning request (CO-1 to R2) for the property located at 6255 Campbell Boulevard.

A resident asked where the property was actually located and was told that it is on the corner of Campbell Boulevard and Mapleton Road. Planning Board Chairman, Joseph McCaffrey, also provided some brief history on the zoning of the properties at that corner.

Motion made by Councilman Graham seconded by Councilman Evchich to close the Public Hearing at 7:00 p.m. Motion carried.

**REGULAR MEETING**

Supervisor Maerten called the meeting to order at 7:00 p.m.

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

**Roll Call:**

Supervisor Maerten	Present
Councilman Evchich	Present
Councilman Graham	Present
Councilman Hickman	Present
Councilman Leible	Absent*

\*Note: Councilman Leible attempted to participate virtually but due to technical difficulties was not able to do so.

Also present:

Deborah Maurer – Town Clerk  
Claude Joerg – Town Attorney  
Mark Walter – Deputy Town Supervisor  
Ron Diedrich – Building Inspector/Code Enforcement Officer  
Dave Fischer – Highway/Water and Sewer Superintendent  
Dave Britton – Town Engineer  
Joseph McCaffrey – Planning Board Chairman  
Sandra Masterson – Board of Assessment Review Chairperson

There were seven residents in attendance and five callers on the line.

### **ADDITIONS OR DELETIONS TO THE AGENDA**

The following changes were made to the agenda:

- Add – Executive Session
- Remove from Organizational-Fiscal/Appointments/Agreements - #17 Appointment of Deputy Town Clerks
- Remove from Organizational-Fiscal/Appointments/Agreements - #20 Appointment of Deputy Highway Superintendent

### **COMMUNICATIONS**

Town Clerk Maurer announced that the Town Hall will be closed on Monday, January 17<sup>th</sup> in honor of Martin Luther King Jr. Day. She also reported that she received correspondence from the Association of Towns (AOT) regarding the upcoming annual training conference stating that the in-person training has changed to virtual again this year.

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

There were no public remarks or comments on the agenda items.

### **ROUTINE BUSINESS**

RESOLUTION 01-22

#### **APPROVAL OF MINUTES**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022, that the meeting minutes for the Regular Meeting held on December 13, 2021, are approved as presented by Town Clerk Maurer.

RESOLUTION 02-22

#### **APPROVAL OF MINUTES**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022, that the meeting minutes for the Work Session held on December 22, 2021, are approved as presented by Town Clerk Maurer.

RESOLUTION 03-22

#### **AUTHORIZE PAYMENT OF ABSTRACT #24 (2021)**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022, to authorize payment of Voucher Abstract #24, Vouchers #21-01241 to #21-01293 that was paid on December 29, 2021:

General Fund	\$	15,237.53
Highway	\$	9,583.24
Fire Protection	\$	40,000.00
Sewer	\$	6,262.63
Water	\$	39,513.84
Trust & Agency	\$	688.00
Total	\$	111,285.24

**RESOLUTION 04-22**

**AUTHORIZE PAYMENT OF ABSTRACT #1 (2021)**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022, to authorize payment of Voucher Abstract #1, to be paid on January 12, 2022 as follows:

- o Vouchers #21-01294 to #21-21-01330 for year ending 2021:

General Fund	\$	10,177.47
Highway	\$	17,632.78
Sewer	\$	150.30
Water	\$	44,798.55
Total	\$	72,759.10

**RESOLUTION 05-22**

**AUTHORIZE PAYMENT OF ABSTRACT #1 (2022)**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022, to authorize payment of Voucher Abstract #1, to be paid on January 12, 2022 as follows:

- o Vouchers #22-00001 to #22-00014 for year ending 2022:

General Fund	\$	4,929.26
Highway	\$	6,617.78
Fire Protection	\$	10,000.00
Sewer	\$	5,306.73
Total	\$	26,853.77

**OTHER REPORTS**

**Supervisor Maerten** reported that the sales tax collected for November 2021 was \$158,957.90. This is an increase of \$43,992.11 when compared with November 2020. The year to date received is \$1,954,387.78 which in an increase of \$461,785.04 from 2020.

**COMMITTEE APPOINTMENTS 2022**

Assessment	Councilmen Evchich and Hickman
Building Inspections & Code Enforcement	Councilmen Graham and Leible
Building & Capital Improvements	Councilmen Graham and Leible
Business Development	Councilmen Evchich and Graham
Fire Company Service Award	Councilmen Evchich and Graham
Fire Board	Councilman Leible, Supervisor Maerten
Insurance	Councilman Evchich, Supervisor Maerten
Town Newsletter	Councilman Leible
Water & Sewer	Councilmen Graham and Leible
Highway & Drainage	Councilmen Evchich and Hickman
Recreation	Councilmen Evchich and Hickman
Security	Councilmen Graham and Leible
Conservation, Parks, & Trails	Councilmen Evchich and Hickman
Ethics	Councilman Hickman
Celebrations	Councilman Leible, Supervisor Maerten

### SUPERVISOR APPOINTMENTS

Deputy Town Supervisor	Mark Walter
Emergency Services Coordinator	Mark Walter
Town Historian	Carissa Smith
Budget Officer	Thomas Matuski

### ASSIGNMENT OF ANNUAL AUDITS

Chief Fiscal Officer	Councilman Graham
Town Clerk/Tax Collector	Councilman Hickman
Town Justice – Judge Mack	Councilman Leible
Town Justice – Judge Maziarz	Councilman Evchich

Next, Supervisor Maerten spoke about Deputy Sheriff Kroening, recently assigned to the Town, stating that he has been very busy issuing traffic tickets to individuals, mostly non-residents, speeding through town as well as engaging with residents, the Town Hall staff, and the fire company membership.

### OTHER REPORTS

**Councilman Graham** welcomed newly elected Councilman Hickman. He said that he is looking forward to working with him.

**Councilman Evchich** also welcomed Councilman Hickman and congratulated Highway/Water & Sewer Superintendent Fischer. He reported that he recently spoke with Recreation Director Bea Mattina saying that she will follow up with him once she hears back from Starpoint and Niagara County Department of Health regarding the 2022 Summer Recreation Program. He also stated that he has revised the Town's Facility Usage Agreement and will share that with the Board for approval.

**Councilman Hickman** thanked the voters for their support and said that he is looking forward to working with the residents of the Town of Pendleton and with the Board.

**Town Attorney Joerg** had nothing specific to report at this time.

**Engineer Britton** had nothing to report.

### DEPARTMENT HEADS

**Town Clerk Maurer** reported that passport assistance has been increasing and that her office passed their first federal audit of the passport process. She also reminded the elected and appointed officials that they will need to sign an oath of office within 30 days of appointment. She reported that the tax bills were mailed out at the end of December. Taxes can be paid in person at the Town Hall, or by placing them in the dropbox located at the back entrance. They can also be paid by mail or online. She also mentioned that water bills will be mailed out soon and that residents should note that they now have a PIN that will be listed next to their account number, which is only needed if paying online. Finally, she said that she is working on getting an automated payment option set up for future bills.

**Highway and Water/Sewer Superintendent Fischer** thanked former Superintendent Craig Walter for staying on a bit longer to help him transition into this position. A discussion also occurred regarding the renting of pavilions and it was determined that they could resume this process again in 2022. He also reported that the Public Works staff has been busy cleaning up the yard to make room for the new salt shed. Mr. Fischer also wanted to assure residents that these employees are hardworking and dedicated employees.

**Building Inspector Diedrich** reported that the Building Department has been unusually busy for this time of year. He has already approved many building permits and contractor license renewals. He also asked for an update on the Historical Society's request for a storage shed. He was told that they could hopefully approve this purchase at the Work Session later in the month. He also mentioned that he has been getting complaints about a business on the corner of Mapleton and Campbell and is working with the owner to resolve the issues there.

**NEW BUSINESS**

RESOLUTION 06-22

**PROCLAMATION HONORING CRAIG WALTER**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

WHEREAS, Craig Walter is a life-long resident of the Town of Pendleton; and

WHEREAS, Mr. Walter reported for work on March 27, 1992 and dedicated many years of service during his time as a member of the Highway Department and Water & Sewer Department; and

WHEREAS, Craig served as a dedicated and conscientious public servant as truck driver, Deputy Highway Superintendent, and Highway Superintendent; and

WHEREAS, Craig Walter retired from service to the Town of Pendleton effective December 31, 2021 and is deserving of an enjoyable and well-earned retirement.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton, on behalf of the citizens of this great town that Craig Walter is hereby recognized for his dedication and contributions to the Town of Pendleton and we thank him for his service to our community.

RESOLUTION 07-22

**PROCLAMATION HONORING CARL GROSS**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

WHEREAS, Carl Gross is a life-long resident of the Town of Pendleton; and

WHEREAS, our community has benefited from Mr. Gross' dedication of many years of service, since his first date of employment with the Town of Pendleton Highway Department on November 1, 1989; and

WHEREAS, Carl's talents and skills were greatly appreciated as an equipment operator and a term as Deputy Highway Superintendent; and

WHEREAS, Carl Gross retired from service to the Town of Pendleton effective December 31, 2021 and is deserving of an enjoyable and well-earned retirement.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton, on behalf of the citizens of this great town that Carl Gross is hereby recognized for his dedication and contributions to the Town of Pendleton and we thank him for his service to our community.

RESOLUTION 08-22

**SEQR NEGATIVE DELCARATION – 6255 CAMPBELL BLVD**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to accept the State Environmental Quality Review Act (SEQR) regarding the rezoning request for 6255 Campbell Boulevard and make a negative declaration based on the documents provided by the Planning Board.

RESOLUTION 09-22

**REZONING REQUEST – 6255 CAMPBELL BLVD**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman



Nays 0  
Absent 1 Leible

WHEREAS, the property located at 6255 Campbell Boulevard in the Town of Pendleton is currently zoned Light Commercial (C-1); and

WHEREAS, the current property owner has requested this property be rezoned from Light Commercial (C-1) to Residential (R-1); and

WHEREAS, an Application for Rezoning of Property has been submitted to the Planning Board by the property owner for review and all necessary fees have been paid by the applicant; and

WHEREAS, the Planning Board reviewed the rezoning application at the Board's November 16, 2021 meeting and recommends approval of this application.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 that the requested rezoning of 6255 Campbell Boulevard from Light Commercial (C-1) to Residential (R-1) is approved. This resolution shall take effect immediately.

**RESOLUTION 10-22**

**SNOW AND ICE CONTRACT**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to approve the Snow and Ice Contract between the Town of Pendleton and Niagara County for 2021-2024.

Supervisor Maerten explained that the Town Board authorized advertisement for bids for the Security System Upgrade Project at the December 22, 2021 Work Session and that it was published online and in the Lockport Union Sun and Journal. He stated that only one bid was submitted for this project.

**RESOLUTION 11-22**

**SECURITY SYSTEM UPGRADE PROJECT**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

WHEREAS, the Town of Pendleton owns, operates, and maintains multiple buildings located at 6470 Campbell Boulevard as well as a variety of outdoor public use facilities also located at this address; and

WHEREAS, it is in the Town's best interest to take action to increase security and safety on Town-owned property; and

WHEREAS, the Town of Pendleton has been awarded a \$25,000.00 grant through the New York State Division of Criminal Justice Services for a Town Park and Public Works Security Project; and

WHEREAS, bid documents were prepared and a public announcement was authorized by resolution of the Town Board on December 22, 2021; and

WHEREAS, all bids received by the due date on January 6, 2022 were opened and reviewed by the Town Clerk.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 that the lowest bid received for the Town of Pendleton Town Park and Public Works Security Project from Armored Access for \$26,356.00 is accepted and approved. This resolution shall take effect immediately.

RESOLUTION 12-22

**WENDELVILLE FIRE COMPANY SERVICE AWARD POINTS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to accept the Service Award points for the Wendelville Fire Company for the year 2021.

RESOLUTION 13-22

**APPOINTMENT OF DEPUTY TOWN CLERKS**

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

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

WHEREAS, the Town Clerk of the Town of Pendleton appoints the First Deputy Town Clerk; and

WHEREAS, the Town Board of the Town of Pendleton appoints the Second and Third Deputy Town Clerks; and

WHEREAS, it is prudent and necessary to reappoint Deputy Town Clerks and establish pay rates for the 2022 calendar year.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 that the following appointments shall be made.

- 1) Noreen Lemma has been appointed as the Deputy Town Clerk for 2022 by the Town Clerk at a pay rate of \$19.40 per hour.
- 2) Stephanie Chase is appointed as the Second Deputy Town Clerk for 2022 by the Town Board at a pay rate of \$17.10 per hour. This appointment is a full-time position.
- 3) Kim Frey is appointed as the Third Deputy Town Clerk for 2022 by the Town Board at a pay rate of \$17.10 per hour. The appointment is a part-time position.

FURTHER BE IT RESOLVED, that these appointments shall be considered effective January 1, 2022 and compensation from that date shall be made at the rates detailed in this resolution.

RESOLUTION 14-22

**APPOINTMENT OF TEMPORARY ASSESSOR**

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

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

WHEREAS, the position of Assessor of the Town of Pendleton was declared vacant by resolution of the Town Board at the monthly meeting on October 11, 2021 and the Acting Assessor was terminated by the same resolution; and

WHEREAS, pursuant to Section 314 of the Real Property Tax Law, the Town Board may appoint an "Acting Assessor" who shall assume the duties and functions of the Assessor until such time as a replacement Assessor is appointed by the Town Board or, should the Acting Assessor function as Assessor for more than six months, the Acting Assessor may be appointed Assessor; and

WHEREAS, Michael Hartman was appointed as Acting Assessor for the period of December 22, 2021 through February 28, 2022 at the meeting of the Town Board on December 22, 2021; and

WHEREAS, the Town Board continued to search for an applicant to fill the position of Acting Assessor or Assessor as a permanent appointment; and

WHEREAS, an applicant has been identified, interviewed, and recommended to the Town Board for appointment to begin a training period in anticipation of subsequent appointment to the position of Assessor.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 that Thomas Valentine is appointed to the position of Temporary Assessor at a rate of compensation of \$50,000.00 annually. This resolution shall take effect on January 11, 2022.

**RESOLUTION 15-22**

**ESTABLISHMENT OF COMPENSATION**

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

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

WHEREAS, the Town of Pendleton relies on the time, efforts, and dedication of many individuals through each individual's appointment to various boards, committees, and other positions; and

WHEREAS, the Town Board of the Town of Pendleton approved a budget for 2022 on November 8, 2021; and

WHEREAS, the approved 2022 budget includes appropriations for compensation of all individuals appointed to various boards, committees, and other positions.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 that the following rates of compensation are set for 2022:

- A) Planning Board members shall be compensated at the rate of \$2,284.00 per member annually.
- B) Planning Board Chairman shall be compensated at the rate of \$4,953.00 annually.
- C) Planning Board Administrative Assistant shall be compensated at the rate of \$14,301.00 annually.
- D) Planning Board Recording Secretary shall be compensated at the rate of \$2,142.00 annually.
- E) Zoning Board of Appeals members shall be compensated at the rate of \$1,219.20 per member annually.
- F) Conservation Board members shall be compensated at the rate of \$50.00 per meeting per member.
- G) Board of Assessment Review members shall be compensated at the rate of \$450.00 per member annually.
- H) Town Hall cleaner, Colleen Walter, shall be compensated at a rate of \$15.50 per hour.

BE IT FURTHER RESOLVED, that this resolution shall be effective as of January 1, 2022.

A request to purchase E-One Extreme Grinder Pump parts was submitted by Deputy Water & Sewer Superintendent Aaron Bair. The parts are needed to rebuild pumps and have stock in place. A quote was provided from the sole source provider, Siewert Equipment.

**RESOLUTION 16-22**

**E-ONE GRINDER PUMP PARTS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to approve the purchase of E-One Extreme Grinder Pump parts for stock from sole source provider Siewert Equipment for the amount of \$8,118.35.

**RESOLUTION 17-22**

**CELL PHONE STIPEND**

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

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



WHEREAS, the Town of Pendleton has provided a stipend for multiple elected officials and employees who have opted to use a personal cell phone for Town-related business, forgoing issuance of a Town-owned and maintained device; and

WHEREAS, this practice has decreased the cost of cell phone services charged to the Town of Pendleton; and

WHEREAS, continuing the payment of a cell phone stipend to select individuals in place of issuance of a Town-owned device will continue to decrease the cost of such services billed to the Town of Pendleton.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 that a monthly stipend of \$28.00 shall be paid to the Highway Superintendent for the period January 1, 2022 through December 31, 2023. This resolution shall be effective as of January 1, 2022.

### **ORGANIZATION – FISCAL - AUTHORIZATIONS**

#### RESOLUTION 18-22

##### **OFFICIAL DEPOSITORY**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 that Evans Bank, headquartered in Hamburg, New York, is designated an authorized depository for 2021.

#### RESOLUTION 19-22

##### **OFFICIAL TOWN NEWSPAPER**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to designate the Union Sun & Journal as the town's official newspaper.

#### RESOLUTION 20-22

##### **PETTY CASH FUNDS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to establish the following petty cash funds: Town Clerk: \$250.00; Tax Collector: \$300.00; Water District: \$100.00; and Sewer District: \$100.00.

#### RESOLUTION 21-22

##### **MEETING DATES**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to schedule the Regular Town Board Meetings for the second Monday of each month at 7:00 p.m.

#### RESOLUTION 22-22

##### **PAYROLL**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to pay the following employees on a **bi-weekly** basis: Supervisor, Town Clerk, Assessor, Highway and Water/Sewer Superintendent, Highway, Water and Sewer Department personnel, Building Inspectors, Town Attorney, Supervisor's Secretary, general clerks, laborers, justice clerks, Planning Board Administrative Assistant, and Town Constables; **quarterly**: Town Justices, Councilmen, Dog Control Officer and Recreation Director; and **annually**: Planning Board, Zoning Board of Appeals, Conservation Advisory Council, Board of Assessment Review, Registrar of Vital Statistics, Budget Officer and Town Historian.

RESOLUTION 23-22

**APPOINTMENT OF TOWN ATTORNEY**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reappoint Claude Joerg as Town Attorney.

RESOLUTION 24-22

**APPOINTMENT OF TOWN CONSTABLES**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to appoint Patrick Williams, George Julius, Kenneth Jonmaire, Kevin Locicero, and Michael Kloch Jr. as Constables.

RESOLUTION 25-22

**APPOINTMENT OF TOWN ENGINEER**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reappoint Dave Britton of GHD Consulting Services as Town Engineer.

RESOLUTION 26-22

**APPOINTMENT OF PLANNING BOARD MEMBER**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to appoint Daniel Vivian to a seven-year term on the Planning Board.

RESOLUTION 27-22

**APPOINTMENT OF CONSERVATION ADVISORY COUNCIL MEMBERS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to appoint Tobias Fronmuller, Jessica Glaser, Andrew Harrison and Trevor Krabbenhoft to a one-year term each on the Conservation Advisory Council.

RESOLUTION 28-22

**APPOINTMENT OF ZONING BOARD OF APPEALS MEMBER**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to appoint Jonathan Welka to a five-year term on the Zoning Board of Appeals (ZBA).

RESOLUTION 29-22

**APPOINTMENT OF BOARD/COMMITTEE CHAIRPERSONS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reappoint Joseph McCaffrey as the chairperson of the Planning Board, Wolfgang Buechler as the chairperson of the Zoning Board of Appeals, and Tobias Frommuller as the chairperson of the Conservation Advisory Council.

RESOLUTION 30-22

**APPOINTMENT OF PLANNING BOARD ADMINISTRATIVE AND SECRETARY**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reappoint John Higgins as the Planning Board Administrative Assistant and Secretary.

RESOLUTION 31-22

**RECREATION DIRECTOR**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reappoint Beatrice Mattina as Recreation Director.

RESOLUTION 32-22

**APPOINTMENT OF TOWN PROSECUTORS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reappoint Theodore Joerg and John Sansone as Town Prosecutors.

RESOLUTION 33-22

**APPOINTMENT OF REGISTRAR OF VITAL STATISTICS, RECORDS  
MANAGEMENT OFFICER AND INVESTIGATOR OF BINGO AND GAMES OF  
CHANCE**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reappoint Town Clerk Deborah Maurer as Registrar of Vital Statistics, Records Management Officer, and Investigator of Bingo and Games of Chance.

RESOLUTION 34-22

**APPOINTMENT OF DEPUTY REGISTRAR OF VITAL STATISTICS**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman  
Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reappoint Noreen Lemma as Deputy Registrar of Vital Statistics.

RESOLUTION 35-22

**APPOINTMENT OF DEPUTY TAX COLLECTOR**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reappoint Noreen Lemma as Deputy Tax Collector.

RESOLUTION 36-22

**APPOINTMENT OF STORMWATER MANAGEMENT OFFICER (SMO)**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reappoint Building Inspector Ronald Diedrich as the Town's Stormwater Management Officer.

RESOLUTION 37-22

**AUTHORIZATION FOR CODE ENFORCEMENT OFFICER TO PROCEED WITH ISSUING VIOLATIONS FOR NOT MAINTAINING GRASS**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to authorize the Building Inspector/Code Enforcement Officer to proceed for the work to be done, with the expense to be assessed upon the affected properties, and the assessment constituting a lien and charged upon such properties providing that notice has been given, and no response or action was taken by the home owner to control brush, grass and/or weeds.

RESOLUTION 38-22

**AUTHORIZATION FOR MILEAGE REIMBURSEMENT**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to authorize mileage reimbursement to be paid, as outlined in the Town's Vehicle Use Policy.

RESOLUTION 39-22

**PROCUREMENT POLICY**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to reauthorize the Town's Procurement Policy.

Supervisor Maerten explained that the Town's Code of Ethics was originally created based on New York State's Model Code of Ethics and renewed each year. He noted that a Public Hearing was held tonight and there were no public comments at that time.

RESOLUTION 40-22

**CODE OF ETHICS**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to renew the current Code of Ethics.

RESOLUTION 41-22

**SEXUAL HARASSMENT POLICY**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to renew the current Sexual Harassment Policy.

RESOLUTION 42-22

**WORKPLACE VIOLENCE POLICY**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to renew the current Workplace Violence Policy.

RESOLUTION 43-22

**AUTHORIZATION FOR SUPERVISOR**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to authorize the Supervisor to invest surplus monies pursuant to Town Law, pay principal and interest on debts, pay utility and necessary bills prior to audit.

RESOLUTION 44-22

**AUTHORIZE HIGHWAY SUPERINTENDENT**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to authorize the Highway Superintendent to purchase stone, oil, culvert pipe, etc., within budget, at County prices.

RESOLUTION 45-22

**PURCHASE OF WATER FROM NIAGARA COUNTY**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

WHEREAS the Town of Pendleton Water Department provides water service to all properties located within the Town's borders; and

WHEREAS it is necessary for the Town of Pendleton to purchase water from the Niagara County Water District; and



WHEREAS invoices for the purchase of water from the Niagara County Water District may require approval by the Town Board per the Town's procurement policy adopted January 10, 2022;

NOW, THEREFORE, BE IT RESOLVED that the Water Superintendent or Deputy Water Superintendent may submit vouchers for payment of invoices for water purchased from the Niagara County Water District without delay for approval of the Town Board for the 2022 budget year and such payment issued with the next payment cycle.

**RESOLUTION 46-22**

**PURCHASE OF WATER FROM NEIGHBORING TOWNS**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

WHEREAS the Town of Pendleton Water Department provides water service to all properties located within the Town's borders; and

WHEREAS it is necessary for the Town of Pendleton to purchase water from the Towns of Cambria, Lockport, and Wheatfield for water supply for select properties serviced by the Town; and

WHEREAS quarterly expenditures for the purchase of water from neighboring towns may require approval by the Town Board per the Town's procurement policy adopted January 10, 2022;

NOW, THEREFORE, BE IT RESOLVED that the Water Superintendent or Deputy Water Superintendent may submit vouchers for payment of invoices for water supplied by the Towns of Cambria, Lockport, and Wheatfield without delay for approval of the Town Board for the 2022 budget year and such payment issued with the next payment cycle.

**RESOLUTION 47-22**

**PROCUREMENT OF ROAD SALT**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

WHEREAS winter road maintenance is an essential duty of the Town of Pendleton Highway Department; and

WHEREAS rock salt is an essential material used in the performance of winter road maintenance; and

WHEREAS the Town of Pendleton may procure rock salt from American Rock Salt Company LLC at a price set by the New York State Office of General Services – Procurement Services;

NOW, THEREFORE, BE IT RESOLVED that Highway Department may procure during the 2022 budget year up to the estimated amount of 2640 tons of rock salt from American Rock Salt Company LLC at the price set by the New York State Office of General Services – Procurement Services.

**RESOLUTION 48-22**

**ANNUAL MEMBERSHIPS**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Hickman

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to authorize annual membership for the Town of Pendleton for the following:

- Association of Public Historians of New York (APHNY)
- New York Planning Federation (NYPF)

- New York State Association of Tax Receivers and Collectors (NYSATRC)
- New York State Association of Towns (NYSAOT)
- New York State Assessors Association (NYSAA)
- New York State Association of Magistrates Court Clerks (NYSAMCC)
- New York State Magistrates Association (NYSMA)
- New York State Town Clerk's Association (NYSTCA)
- Niagara County Assessors Association (NCAA)
- Niagara County Municipal Clerks Association (NCMCA)
- Niagara County Supervisors Association (NCSA)

**RESOLUTION 49-22**

**WENDELVILLE FIRE COMPANY – TOWN CONTRACT**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to sign the agreement and provide yearly funding for the Wendelville Fire Company for Fire Protection in the amount of \$365,145.00.

**RESOLUTION 50-22**

**WENDELVILLE FIRE COMPANY – FUEL PURCHASE AGREEMENT**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to authorize the Wendelville Fire Company to purchase fuel from the town.

**RESOLUTION 51-22**

**YEARLY AGREEMENTS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of January 2022 to authorize the Supervisor to sign the following yearly agreements:

- Niagara Community Action Program (NIACAP)
- Niagara County SPCA
- Pivot Precision Corporation

**BOARD MEMBERS DISCUSSION**

Supervisor Maerten noted that the following meetings have been scheduled:

- Work Session - January 24<sup>th</sup> at 7:00 p.m.

**PUBLIC REMARKS/COMMENTS**

Sandra Masterson, from the Board of Assessment Review, asked for clarification on the roles of the “Acting Assessor” and newly appointed “Temporary Assessor”. Councilman Graham and Supervisor Maerten explained that Michael Hartman, Assessor for the towns of Royalton and Hartland, was appointed as “Acting Assessor” until “Temporary Assessor” Thomas Valentine is fully trained and certified.

Councilman Graham wanted to recognize Mr. James Schlemmer, the outgoing ZBA member, for his lengthy service to the Town. Mr. Graham explained that the reason why he opted to make a motion to appoint Jon Welka to the ZBA is because he consistently promotes involvement from the residents and feels it would be a disservice to the Town to not allow other residents the chance to participate with the various boards and committees.

Motion by Councilman Graham, seconded by Councilman Evchich, 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 7:52 p.m. Motion Carried.

Motion by Councilman Graham, seconded by Councilman Evchich, to adjourn from the Executive Session and Regular Meeting at 8:25 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk

PENDING APPROVAL