

**TOWN OF PENDLETON
REGULAR MEETING
November 14, 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 14th day of November 2022 at 7:00 p.m. The meeting was open to the public.

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

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

Roll Call:

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

Also present:

Deborah Maurer - Town Clerk
Claude Joerg – Town Attorney
Aaron Bair – Deputy Water & 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

There were 27 residents in attendance. Approximately 20 of those in attendance were students from Starpoint.

ADDITIONS OR DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Add #4 – Janitorial Services
- Add #5 – Water Agreement

COMMUNICATIONS

Town Clerk Maurer reported that she received a letter of interest from Dennis Welka expressing his desire to be reappointed to the Zoning Board of Appeals. Mrs. Maurer also stated that the Town received an email from Mike Zimmerman, Board President of the Nine Mile Island Youth Camp, responding to the discussion that was brought up at the October 10, 2022 Board Meeting.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

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

ROUTINE BUSINESS

RESOLUTION 238-22

APPROVE MEETING MINUTES

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo
 Nays 0
 Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of November 2022, that the meeting minutes for the Work Session held on October 24th, 2022 are approved as presented by Town Clerk Maurer.

RESOLUTION 239-22

ABSTRACT #21

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo
 Nays 0
 Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of November 2022, to authorize payment of Abstract #21, Vouchers #22-01161 to #22-01277 to be paid on November 16, 2022:

General Fund	\$	59,535.86
Highway	\$	25,084.64
Fire Protection	\$	3,800.00
Refuse	\$	45,511.20
Sewer	\$	3,470.59
Water	\$	13,020.89
Trust & Agency	\$	9,889.00
Total	\$	160,312.18

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for September 2022 was \$243,602.06. This is an increase of \$25,572.42 when compared with September 2021. The year to date received for 2022 is \$1,753,094.29 which is an increase of \$289,653.86 from 2021.

Supervisor Maerten also explained that he received a letter from the NYSDOT in response to a request for a traffic study of the intersection of Campbell Boulevard and Tonawanda Creek Road. The State reported that they will be making changes to the signage and striping for that intersection. He also mentioned that there is updated striping at the intersection of Bear Ridge and Tonawanda Creek Roads and that he is still waiting for a response regarding the evaluation request for the Tonawanda Creek Road and Transit Road intersection.

Councilman Leible stated that the newsletter articles are due on November 20th due to the Thanksgiving holiday.

Councilman Lombardo mentioned that he plans on contacting Mr. Zimmerman regarding his email about Nine Mile Island. He also stated that a draft of the Town Employee Handbook was sent out to the Board and department heads for their review. Lastly, Mr. Lombardo thanked the residents for their votes in the recent election.

Attorney Joerg said that he has been busy researching information and responding to some Freedom of Information Law (FOIL) requests.

Engineer Britton informed the Board that he is in the process of wrapping up the Jacus Subdivision project and that the Town is clear to proceed with the demolition of the log cabin.

DEPARTMENT HEADS

Town Clerk Maurer reported that she received and posted monthly reports from the Assessor, Building Inspector/Code Enforcement Officer, and the Water & Sewer Department. Also posted are the Town Clerk and Water & Sewer Collection reports for October. She also stated that the Town is sponsoring a Citizen Preparedness Event, presented by the NYS Division of Homeland Security & Emergency Services, on November 16, 2022 at Wendelville Fire Hall. There are more than 100 people registered for this event and it is open to the public.

Deputy Water & Sewer Superintendent Bair, attending in place of Highway/Water & Sewer Superintendent Fischer, stated that the snow plow trucks are ready for the winter season and the new Bobcat skid steer has been delivered. Staff has been trained on how to use the new skid steer. He also reported that they have hauled over 900 ton of stone for the splash pad project.

Building Inspector Diedrich provided a brief update on Brauer Drive stating that they have already pulled 21 of the anticipated 50 building permits.

Assessor Valentine stated that he is continuing to update parcel data in the RPS system. He also reported that the 2023 property tax exemption applications have been mailed out and that he has been meeting with residents to assist them with this process.

NEW BUSINESS

Supervisor Maerten reported that final bids for the Highway Department Generator Project were received by the Town Clerk on November 1, 2022 at 10:00 a.m. The bid results are as follows:

CIR Electrical Construction Corp.	\$ 99,400.00
Frey Electric	\$122,000.00
Weydman Electric, Inc.	\$ 88,800.00

RESOLUTION 240-22

AWARD BID – HIGHWAY DEPARTMENT GENERATOR PROJECT

Motion by Councilman Leible, seconded by Councilman Lombardo. the following resolution was

ADOPTED: Ayes 3 Maerten, Leible, Lombardo
 Nays 0
 Absent 1 Hickman

WHEREAS, the Town Board of the Town of Pendleton did approve by resolution, at the October 10, 2022 meeting, the advertisement for bids for the Highway Department Generator Project; and

WHEREAS, multiple bids were received and recorded by the Town Clerk; and

WHEREAS, upon review, the Town Engineer recommends acceptance of the lowest bid for this project.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of November 2022 that the bid received from Weydman Electric, Inc. for \$88,800.00 is accepted for the Highway Department Generator Project.

FURTHER, BE IT RESOLVED, that the Town Supervisor is authorized to sign all necessary contract documents prior to the commencement of this approved project.

Next, Supervisor Maerten reported that final bids for the Town Park Site Improvement Project were received by the Town Clerk on November 1, 2022 at 10:30 a.m. The bid results are as follows:

4 th Generation Construction, Inc.	\$ 92,000.00
Anastasi Trucking, Inc.	\$106,790.00
NFP and Sons, Inc.	\$ 87,000.00
Scott Lawn Yard, Inc.	\$184,950.00
Gardenville Landscape & Nursery	\$ 98,000.00
Genesee Building Restorations, Inc.	\$113,650.00
Keeler Construction Co., Inc.	\$119,525.00
Diehl Development, Inc.	\$124,600.00

RESOLUTION 241-22

AWARD BID – PENDLETON TOWN PARK SITE IMPROVEMENTS

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo
 Nays 0
 Absent 1 Hickman

WHEREAS, the Town Board of the Town of Pendleton did approve by resolution at the October 10, 2022 meeting the advertisement for bids for the Pendleton Town Park Site Improvements Project; and

WHEREAS, multiple bids were received and recorded by the Town Clerk; and

WHEREAS, upon review, the Town Engineer recommends acceptance of the lowest bid for this project.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of November 2022 that the bid received from NFP and Sons, Inc. for \$87,000.00 is accepted for the Pendleton Town Park Site Improvements Project.

FURTHER, BE IT RESOLVED, that the Town Supervisor is authorized to sign all necessary contract documents prior to the commencement of this approved project.

RESOLUTION 242-22

SURPLUS TECHNOLOGY DEVICES

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo
 Nays 0
 Absent 1 Hickman

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of November 2022 to declare eleven (11) desktop computers containing no identifiable numbering or other unique identifiers as surplus.

FURTHER, BE IT RESOLVED, that the IT Coordinator is authorized to remove and have destroyed all internal storage devices from each surplus computer.

Next, Supervisor Maerten explained that the Department of Public Works received the following three quotes for janitorial service at the garage:

Jani-King of Buffalo, Inc.	\$ 7,722.96 annually
Custom Maid Janitorial	\$11,419.20 annually
Nice and Tidy, LLC.	\$ 7,800.00 annually

RESOLUTION 243-22

JANITORIAL SERVICES

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo
 Nays 0
 Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of November 2022 to accept the proposal for janitorial services from the lowest bidder, Jani-King of Buffalo, Inc., at \$7,722.96 per year.

Next, Supervisor Maerten explained that the owner of a property located at 5361 Lockport Road in the Town of Lockport, has requested to receive water from the Town of Pendleton. He is building a house at that location and the Town of Lockport does not supply water to that area. The Town already has similar agreements with adjacent owners in the Town of Cambria and Town of Wheatfield who receive water from the Town of Pendleton. An agreement was drafted by Attorney Joerg and the Town of Lockport which has been shared with the Board.

RESOLUTION 244-22

WATER AGREEMENT

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo
 Nays 0
 Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of November 2022, to accept the Water Agreement for 5361 Lockport Road as written.

BOARD MEMBERS DISCUSSION

Supervisor Maerten stated that there will be no Work Session in November. The next Regular Meeting will be held on December 12, 2022 at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

A resident asked a question about the sales tax collection which was reported by Supervisor Maerten earlier in the meeting. Mr. Maerten explained that the sales tax is collected by Niagara County then disbursed to the municipalities using a formula partially based on population. He noted that according to the 2020 Census, the Town's population increased resulting in an increase in the Town's sales tax revenue.

Next, another resident offered congratulations to Council Lombardo on his election to the Town Board. The same resident questioned the process for filling the vacancy on the Town Board left by former Councilman Evchich who recently resigned. Supervisor Maerten explained that the vacancy is open to appointment by the Town Board. The Town Board can opt to either leave the position vacant or fill the seat by appointing someone to a term that will end December 31, 2023. He noted that anyone interested may submit a letter of interest to the Town Clerk.

A third resident commented on the 26 questions that she provided to the Board at the last meeting and wants to know when she will receive answers to her questions. She also asked the Board why she has not yet received a response to the FOIL appeal which she stated was submitted several months ago. Attorney Joerg responded that he has been researching her original FOIL request to try to find the information that she is looking for but has not yet been successful.

Another resident asked questions about the generator project and the disposal of the hard drives for the equipment that was declared as surplus.

A different resident wanted to know if the Town has a contract with the Nine Mile Island Association stating he is concerned about the liability for the Town because there is a resident living there.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Regular Meeting at 7:30 p.m. Motion carried.

Deborah K. Maurer, Town Clerk