

TOWN OF PENDLETON
Work Session
March 23, 2015

A work session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, N.Y. on the 23rd day of March 2015. The meeting was scheduled for 7:00 P.M. Supervisor Riester, Councilman Leible, Councilman Morrison, Councilman Fischer, Clerk Pienta, Attorney Claude Joerg, and Jim Argo; Water-Sewer Superintendent, two Starpoint Students and 6 residents were in attendance. Councilwoman Jarvis was absent.

Supervisor Riester called the meeting to order at 7:02 P.M.

Donna Sparks, a member of the “Daughters of the Revolutionary War” spoke to the Board regarding a ceremony and the presentation of a plaque honoring Corporal Nicholas Deisinger, a Revolutionary War Veteran. The ceremony will take place this summer in the Town’s Park on July 26th during the family’s 115th Deisinger Family Reunion. A bronze plaque will be presented to the family during the reunion. He was not a Pendleton resident but the descendants have the family annual reunion in the Town’s Park. The family has requested permission to have the plaque placed somewhere in the park or by the Town’s current memorial.

RESOLUTION 52 – 15

AUTHORIZATION TO PLACE REVOLUTIONARY WAR PLAQUE AT THE VETERAN’S MEMORIAL

Motion by Councilman Fischer, seconded by Supervisor Riester, the following resolution was

ADOPTED Ayes 3 Riester, Leible, Fischer
 Nays 1 Morrison

Resolved to authorize the placement of Corporal Nicholas Deisinger’s plaque at the Veteran’s Memorial.

RESOLUTION 53 – 15

APPROVE PARK POLICY

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

ADOPTED Ayes 4 Riester, Leible, Morrison, Fischer
 Nays 0

Resolved to approve the Town Park Policy that was submitted to the Town Board in 2012.

Town of Pendleton Park Policies

Objective:

To establish polices and management procedures to ensure that use of the town’s parks provide an environment compatible with the Community’s needs and objectives, namely:

To create a more livable, healthy community

To encourage people to use parks and recreation areas

To instill and encourage community spirit, pride and self-help

To benefit the community economically

Scope:

All resolutions and requirements enacted upon by the Pendleton Town Board and/or policies and procedures approved by the Town Board shall be effective within the parks, recreation areas and open spaces as specified.

Intoxicants/Alcoholic Beverages:

No person shall be permitted within a town park under the influence of intoxicating drugs or narcotics.

Illegal or illicit drugs or intoxicants of any kind are prohibited and violators will be prosecuted to the fullest extent of the law.

The use of alcohol is permitted for adults 21 or over within town parks for personal consumption. Public intoxication is prohibited.

Pets:

Dogs and cats must be kept on a leash not exceeding six feet in length. No domestic animal shall be permitted to run at large within any town park or recreation area, either with or without a keeper. Pet owners shall be responsible for removing and properly disposing of fecal matter from park property.

Buildings/Property:

No person shall willfully mark, soil, deface, or injure in any way, or displace, remove or tamper with any park building, bridge, public restroom and washroom facility, table, bench, fireplace or other cooking facility, railing, paving or paving material, water line or other public utility or parts or accessories thereof or equipment thereon, park sign, notice or placard whether temporary or permanent, monument, stake, post or other boundary marker, or other structure or equipment, facility or park property or accessories whatsoever, either real or personal.

Restrooms/Washrooms:

All persons are expected to cooperate in maintaining restrooms and washroom facilities

Refuse:

No person shall leave bottles, broken glass, ashes, waste paper or other rubbish within a town park or recreation area except in trash receptacles provided for this purpose. **No glass containers are allowed in any town park or recreation area.** No person shall throw or place any dirt, stone, rock debris, foreign substance or rubbish into or upon a town park or recreation area

NATURAL FEATURES/WILDLIFE

No person shall pick flowers, foliage, berries or fruit, or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, railing, seat picnic bench, fence, structure or any other object within a town park or recreation area.

No person shall bring into or upon a town park or recreation area any tree, shrub or plant, or any newly plucked branch or portion of a tree, shrub or plant, unless expressly permitted by the Recreation Committee and only in an area designated by the Recreation committee.

No person shall dig up or remove any dirt, stone, rock or other substance, make any excavation, quarry sand or stone, or lay or set off any blast or cause or assist in doing any of these things within a Town park or recreation area.

Groups or persons who wish to improve the park need to obtain written permission from the Recreation Committee.

The Town Board has the right to waive any of these rules.

FIRES

No person shall build light or maintain a fire within a Town Park or recreation area, except in picnic grills or fireplaces provided, maintained or designated for such purposes by Town of Pendleton's Department of Public Works. Picnic grills and fireplaces shall contain only charcoal fires.

FIREWORKS

No individual person or persons shall possess, discharge or set off within a Town Park or recreation area any firecrackers, torpedoes, rockets or other fireworks. Public displays of fireworks as part of a special event or festival are permitted only with the express written permission of the Recreation Director and/or the Councilman appointed to Parks & Recreation. The sponsoring entity must provide all necessary proof of insurance required by the Town of Pendleton.

PICNICKING

No person shall picnic or lunch in a place other than those designated for that purpose. Park staff shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. All persons shall comply with any directions given. No person shall violate the regulation that use of the individual grills and fireplaces together with tables and benches which generally follows the rule of "first come, first served". This regulation does not apply to rented or reserved facilities. No person shall leave a picnic area before a fire, if any, is completely extinguished and before all trash and refuse is placed in the disposal receptacles, where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

GAMES/ACTIVITIES/MODEL AIRPLANES/MODEL BOATS

No person shall take part in or abet the playing of games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, model airplanes or model boats except in areas designated for such purposes. The playing of rough or comparatively dangerous games such as football, baseball, and soccer is prohibited except on recreation areas designated for such purposes.

RESTRICTED USE AND AREAS

No person shall enter upon any portion of a town park or recreation area where persons are prohibited from going as indicated by sign or notice.

Nor shall any person participate in an activity that is prohibited, as indicated by sign or notice.

No person shall bring into any town park or recreation area, use or operate any rides such as motorized or mechanical carnival rides.

The use of certain forced air rides or other apparatus such as dunk tanks, bounce houses, inflatable slides, pony rides, for group use are strictly prohibited.

COMMERCIAL USES

No person shall engage in any commercial enterprise including but not limited to the offering of services, soliciting, selling or peddling liquids or edibles for human consumption or distribute circulars or hawk, peddle or vend any goods, ware or merchandise within a town park or recreation area, except as provided by special permission of the Recreation Director and/or the Councilman appointed to Parks & Recreation.

No person shall cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other object within a town park or recreation area any bill, advertisement or

inscription. Nor shall any person distribute, cast, throw or place any handbill, pamphlet, circular, advertisement or notice of kind within a town park or recreation area except by special permission of the Recreation Director and/or the Councilman appointed to Parks & Recreation.

No person shall tell fortunes, play at games of chance or use any gambling device within a town park or recreation area except as provided by special permission of the Recreation Director and/or the Councilman appointed to Parks & Recreation.

VEHICLES/PARKING

All provisions of the New York State Vehicle and Traffic Law with regard to equipment, lights, licenses, brakes, operation, etc., will apply in the parks and will be strictly enforced, with also such further restrictions as may be herein stated.

No person shall use any portion of a town park or recreation area for purpose of way except drives, parking areas, roadways, paths, walks and trails established for such purpose by the Recreation Committee, and footpaths or walks established for pedestrian travel shall not be used for vehicular or off-road vehicular travel.

The use of mopeds or motorized vehicles will be limited to roadways, drives and parking areas as established and opened to all other vehicular traffic.

Off road vehicles are not permitted in any town park or recreation area, unless specifically designated for this purpose. No person shall drive or propel, or cause to be driven or propelled, along or over any road within a town park or recreation area any vehicle at a rate of speed greater than fifteen (15) miles per hour or the speed limits as established by the Recreation Committee, and indicated by speed limit signs erected along the right-of way. Whenever a park staff member or other park representative shall indicate or direct by gesture or otherwise, that the speed of a vehicle shall be checked or stopped, or its course altered, the driver thereof shall immediately obey such directions.

No person shall drive or propel, or cause to be driven or propelled, along or over any road, parkway, drive or parking area within a town park or recreation area any motor vehicle in a careless manner or in a manner to endanger the life, limb or property of pedestrians or the drivers or occupants of other vehicles or any other person within a town park or recreation area. The motor vehicle operator and the motor vehicle operated within a town park or recreation area shall be in compliance with New York State Vehicle and Traffic Law.

No person shall park or store any motorcar, motorcycle, bicycle, wagon or other vehicle within a town park or recreation area except in areas designated and posted for such purposes.

Parking areas and thoroughfares are limited to use by park patrons only and for the purposes of driving to park a vehicle.

No person shall set or place or cause to be set or placed, any goods, wares or merchandise or property of any kind as to obstruct travel within a town park or recreation area.

No person shall enter any part of a town park or recreation area, or park roads with a commercial vehicle or a vehicle with a gross weight in excess of 5 tons except in the service of, or by permission, of the Town of Pendleton Highway Superintendent or his designee.

No person shall use park drives or parkways within a Town park or recreation area for the purpose of demonstrating any vehicle, or for the purpose of instructing another to drive or operate any vehicle, or for learning to drive or operate any vehicle.

No person shall attempt to stop, or signal any vehicle for the purpose of soliciting a ride from the driver of such vehicles. The cleaning, waxing or repairing of vehicles is not permitted within

a County park or recreation area, except in the case of absolute emergency.

No persons shall cause or permit a vehicle in tow to enter a town park or recreation area or proceed therein, except in the case of a breakdown or disabled vehicle. The vehicle may be towed to the nearest exit.

Nor shall any person operate or drive vehicles containing any person or object projecting or hanging outside of, clinging to or beyond the side or rear of said vehicle.

Nothing contained in this Vehicle/Parking Rule and Regulation shall apply to the vehicles, trucks and apparatus of a fire department, police department of ambulance, or to emergency vehicles of the parks department when responding for emergency work in case of fire, accident, public disaster, impending danger or emergency.

DISORDERLY PERSONS

No person or groups of persons shall engage in such loitering conduct as will clearly cause an immediate, actual physical violent reaction from any person or persons, which violent action will cause a threat to the peace and order of the public.

A. Nor shall any person or group of persons engage in such loitering conduct, which shall disturb a person of ordinary sensibilities as to cause such person to react immediately in such a way as to threaten by physical violence the peace and order of the public.

B. Nor shall any person or group of persons engage in such loitering conduct, which obstructs free passage of pedestrians at, in or near any building, parking lot or vehicle or the free passage of vehicles at, in or near any building, parking lot or vehicles.

C. Nor shall any person or group of persons engage in such loitering conduct, which obstructs the free passage of persons at or near any walkway or pathway.

D. Nor shall any person or group of persons engage in such loitering conduct which will obstruct, molest or interfere with any person lawfully in or enjoying the park.

Where there is conduct in violation of the Town of Pendleton Park Policies, or any part thereof, there must, in addition, be a refusal of the persons engaged in such conduct to obey an order by any agents or officers of the Town of Pendleton to move on before a charge under these regulations may be prosecuted.

No person shall resist any agent or officer of the Town of Pendleton in the discharge of his/her duty, or fail or refuse to obey any lawful command of any such agent or officer, or in any way interfere with or hinder or prevent any such agent or officer from discharging their duty, or in any manner assist or give aid to any person in custody to escape or attempt to escape from custody, or rescue or attempt to rescue any person when in such custody.

No person shall falsely represent or impersonate any agent or officer or pretend to be an agent or officer of the Town of Pendleton.

No person shall interfere with or in any manner hinder any agent or officer of the Town of Pendleton while engaged in constructing, repairing or caring for any park property or interfere with any improvements being made within a town park or Recreation area.

No person shall remain within a town park or recreation area who does not abide by conditions adopted and posted by the Town of Pendleton for the preservation of good order and the protection of property within a town park or recreation area, and no person shall remain within a town park or recreation area who does not abide by the instructions and directions of duly authorized officers or agents of the Town of Pendleton to leave a town park or recreation area and shall do so promptly and peaceably.

No person shall harass, obstruct, molest, assault or interfere with any person lawfully within a

town park or recreation area or resist, obstruct, molest, assault or interfere with any agent or officer of the Town of Pendleton.

No person shall use threatening, abusive, boisterous, insulting or indecent language or gesture within a town park or

recreation area, nor shall any oration, harangue, public demonstration or any nuisance be made.

No person shall possess any weapon capable of lethal use or of inflicting serious bodily injury within a town park or recreation area.

No person shall appear in a town park or recreation area in a state of nudity or commit, perform or engage in lewd, lascivious, obscene, illicit, carnal or indecent act or behavior, and no person shall make any indecent exposure of his or her person.

HOURS OF OPERATION

OPENING HOURS: All parks will open at 7:00 AM unless otherwise specified or designated by signs.

CLOSING HOURS: All parks will close at 9:00 PM except where specific closing hours are designated during the winter season.

No person shall, without permission of the Recreation Director and/or the Councilman appointed to Parks & Recreation, enter into, remain or allow their vehicle to remain within a County park or recreation area except during the hours the park or recreation area is open to the general public.

PENALTIES

Violations: Any person found guilty of violating the provisions of this Local Law by a Court of competent jurisdiction shall be guilty of a traffic violation as defined by section 10.00(2) of the Penal Law or as a violation as defined by section 10.00(3) of the Penal Law. The maximum penalty for such infraction or violation shall be imprisonment for fifteen (15) days and/or a fine of up to two hundred and fifty dollars (\$250.00).

Restitution, reparation, services to the Parks Division: Any person convicted of a violation or a misdemeanor, as set forth in this chapter, shall be subject to the provisions of 65.10 of the New York State Penal Law and 758-a of the New York Family Court Act relative to making of restitution, reparation for loss or damages and the performing of services for a public agency or for the public good, which in some case shall include appropriate service for the Parks Department of the Town of Pendleton.

Parents or legal guardians: Parents or legal guardians of children over ten (10) and less than eighteen (18) years of age shall be liable for damages or destruction caused in County parks or recreation areas by such individuals, up to the sum of one thousand dollars (\$1000.00), pursuant to the provisions of 3-112 of the New York State General Obligations Law.

Damages to park property: In the addition to any penalties prescribed herein, any person causing damage to park property, real or personal, shall be liable to the Town of Pendleton for such damage in a civil action.

RESOLUTION 54 – 15

AMEND TOWN CODE §191 - 1

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

ADOPTED Ayes 4 Riester, Leible, Morrison, Fischer

 Nays 0

Resolved to amend the Town Code §191 – 1 to read that the users of the Town Park will be subject to the Town of Pendleton Park Policy as adopted by the Town Board on March 23, 2015.
(Resolution 53 – 15)

RESOLUTION 55 – 15

PYROTECHNICO CONTRACT

Motion by Councilman Leible, seconded by Councilman Morrison, the following resolution was
ADOPTED Ayes 4 Riester, Leible, Morrison, Fischer
Nays 0

Resolved to authorize the Supervisor to sign the contract with Pyrotecnico Fireworks Inc. for \$9,660.00 for the 2015 July 4th Celebration upon review and approval from the Town Attorney.

RESOLUTION 56 – 15

SUNNKING CONTRACT

Motion by Councilman Morrison, seconded by Councilman Fischer, the following resolution was
ADOPTED Ayes 4 Riester, Leible, Morrison, Fischer
Nays 0

Resolved to authorize the Supervisor to sign the contract with Sunnking Inc. for removal and recycling services to end of life electronics and equipment upon review and approval from the Town Attorney.

RESOLUTION 57 – 15

AUTHORIZATION TO PURCHASE READERS

Motion by Councilman Morrison, seconded by Councilman Leible, the following resolution was
ADOPTED Ayes 4 Riester, Leible, Morrison, Fischer
Nays 0

Resolved to purchase 1560 Orion Readers for \$127.41 each to be delivered in three separate shipments (520 each) for a total of \$198,759.60 payable at \$66,253.20 per shipment, the final shipment to be ordered on or about December 31, 2015.

RESOLUTION 58 – 15

PENDLETON RESIDENTS AND STARPOINT STUDENTS ONLY TO PARTICIPATE IN THE SUMMER RECREATION PROGRAM

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was
ADOPTED Ayes 4 Riester, Leible, Morrison, Fischer
Nays 0

Resolved to confirm that residents and Starpoint Students only can participate in the Town of Pendleton's Recreation Program.

RESOLUTION 59 – 15

AUTHORIZATION TO SUBMIT AN APPLICATION FOR A WELCOME TO PENDLETON BUSINESS CENTER SIGN

Motion by Councilman Morrison, seconded by Councilman Leible, the following resolution was
ADOPTED Ayes 4 Riester, Leible, Morrison, Fischer
Nays 0

Resolved to authorize the submission of an application for a matching fund grant through the 2015 William G Mayne Jr. Business/Community Enhancement Program and to pledge up to \$1,000.00 towards the cost of a "Welcome to Pendleton Business Center" sign to be located on Campbell Blvd.

Discussions:

- Historical Society Building – no update for costs for building
- Reminder for employees not to use cell phones while driving
- Cricket to remove cell towers on the water tower

Motion by Councilman Fischer, seconded by Councilman Leible to adjourn to Executive Session for personnel discussion at 8:36 P.M. Motion carried.

Motion by Councilman Leible, seconded by Councilman Fischer to adjourn from Executive Session and the Regular Meeting at 9:10 P.M. Motion carried.

Terry J. Pienta, Town Clerk