

**TOWN OF PENDLETON
SPECIAL MEETING
August 17, 2022**

A Special Meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 17th day of August 2022 at 7:00 p.m. The meeting was open to the public.

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

Roll Call:

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

Also present:

Deborah Maurer - Town Clerk
Dave Fischer – Highway/Water and Sewer Superintendent
Ron Diedrich – Building Inspector/Code Enforcement Officer

There were six residents in attendance.

ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions made to the agenda.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

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

NEW BUSINESS

A brief discussion occurred regarding the first agenda item. Councilman Leible asked if the Town could pay for this insurance if it was for a 501(c)(3) organization. Deputy Supervisor Walter noted that he had just spoken with the Town Attorney and that it was acceptable to pay for this insurance. The conversation continued briefly ending with Councilman Leible asking for clarification of this in the future.

RESOLUTION 190-22

PENDLETON FARM & HOME DAYS INSURANCE

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

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

WHEREAS, the Pendleton Farm & Home Days, a not for profit organization, has planned the annual community celebration to be held in the Town Park on August 19 and 20, 2022; and

WHEREAS, it is necessary that appropriate insurance coverage is in place to cover liability associated with this special event; and

WHEREAS, such insurance is an addition to existing coverage currently in place for the Town of Pendleton and the Pendleton Farm & Home Days organization.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 17th day of August 2022 that the Supervisor is authorized to sign contracts enacting appropriate insurance coverage for the Pendleton Farm & Home Days event for a cost of \$4,515.00. This resolution shall take effect immediately.

RESOLUTION 191-22

PENDLETON FARM & HOME DAYS FACILITIES USAGE AGREEMENT

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 17th day of August 2022 that the Facilities Usage Agreement submitted by the Pendleton Farm & Home Days organization for the annual community celebration is approved. This resolution shall take effect immediately.

RESOLUTION 192-22

SURPLUS FILL RESOLUTION

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

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

WHEREAS, the Town of Pendleton Highway, Water, and Sewer Departments perform a multitude of tasks which often result in the excavation and removal of earthen material or fill; and

WHEREAS, fill materials are often removed from job sites and transported to the Public Works Facility located at 6640 Campbell Boulevard and stockpiled; and

WHEREAS, the Highway Superintendent has requested that a select amount of stockpiled fill be declared surplus, sold, and removed from the Public Works Facility.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 17th day of August 2022 that stockpiled fill located at the Public Works Facility shall be declared surplus as follows:

- 1) Materials declared surplus shall be limited to earthen fill and debris. This does not include stone, sand, millings, or any material purchased by the Town of Pendleton.
- 2) All materials sold shall be loaded and transported from Town property by the purchaser. No Town employees or equipment shall be used to assist with this endeavor.
- 3) Loading and hauling shall only be allowed between 7:00 am and 5:00 pm, Monday through Friday, excluding holidays.
- 4) Purchasers of fill and any contractors assisting in any such effort shall provide proof of insurance specifically declaring the Town of Pendleton as additionally insured.
- 5) No more than 3000 cubic yards of fill shall be sold at a cost of \$1.00 per cubic yard.
- 6) This resolution declaring surplus Town-owned fill shall take effect immediately and subsequently expire on December 31, 2022 at 11:59 pm.

PUBLIC REMARKS/COMMENTS

A resident commented that the Town cannot donate money to a 501(c)(3) organization. She asked the Town Board to look into Article 8 for clarification on donating tax payer money.

Motion by Councilman Leible, seconded by Councilman Evchich, to adjourn from the Special Meeting at 7:10 p.m. Motion carried.

Deborah K. Maurer, Town Clerk