

**TOWN OF PENDLETON**  
**WORK SESSION**  
February 28, 2022

A Work Session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 28<sup>th</sup> day of February 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.

Supervisor Maerten called the meeting to order at 7:03 p.m.

Supervisor Maerten, Councilman Evchich, Councilman Graham, and Councilman Leible were present. Councilman Hickman was absent.

Also present:

Deborah Maurer – Town Clerk  
Claude Joerg – Town Attorney  
Dave Fischer – Highway/Water & Sewer Superintendent  
Mark Walter – Deputy Supervisor  
Dave Britton – Town Engineer  
Beatrice Mattina – Recreation Director  
Wolfgang Buechler – Zoning Board of Appeals Chairman

There were three residents in attendance. There were four callers on the line.

Supervisor Maerten began the session by introducing Jeanette Freatman who was in attendance to discuss the possibility of an onsite composting program for residents. An informative discussion with the Town Board occurred and Ms. Freatman stated that she would research and provide further information to the Board. No one on the Board was opposed to this idea.

**RESOLUTION 67-22**

**APPROVE MEETING MINUTES**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28<sup>th</sup> day of February 2022, that the meeting minutes for the Regular Meeting held on February 14, 2022, are approved as presented by Town Clerk Maurer.

**RESOLUTION 68-22**

**ABSTRACT #4**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28<sup>th</sup> day of February 2022, to authorize payment of Voucher Abstract #4, Vouchers #22-00047 to #22-00129 to be paid on March 2, 2022

General Fund	\$	36,040.71
Highway	\$	22,260.62
Refuse	\$	672.98
Sewer	\$	4,212.55
Water	\$	3,820.10
Trust & Agency	\$	10,874.00
Total	\$	77,880.96

Storage Container Quotes for Historical Society

Councilman Leible presented several quotes to the Board for the purchase of a used storage container. The container is to be used by the Historical Society to store materials during the construction of the new community center. The quotes were posted online prior to the meeting.

Highway/Water & Sewer Superintendent Fischer presented some additional quotes that he had gotten recently for “high cube” containers. The Board reviewed all of the quotes and decided to move forward with the purchase of a “high cube” container from MobileMod. It was also determined that the Highway Department will use this storage container when the Historical Society is finished with it.

RESOLUTION 69-22

**STORAGE CONTAINER HISTORICAL SOCIETY**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28<sup>th</sup> day of February 2022, to authorize the purchase of one 40’ high cube storage container from MobileMod at the lowest bid price of \$5,200.31.

RESOLUTION 70-22

**2021 TOWN COURT AUDIT – THE HONORABLE JUSTICE MAZIARZ**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28<sup>th</sup> day of February 2022, to accept the results of the 2021 audit of the Honorable Justice Edmund Maziarz as presented by Councilman Evchich.

RESOLUTION 71-22

**2021 TOWN CLERK AND TAX COLLECTOR AUDIT**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28<sup>th</sup> day of February 2022, to accept the results of the 2021 audit of the Town Clerk and Tax Collector as presented by Councilman Hickman.

RESOLUTION 72-22

**WATER & SEWER DEPARTMENT EMPLOYEE STEPS**

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

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

WHEREAS, certain employees of the Town of Pendleton Water & Sewer Department are subject to the conditions of the Collective Bargaining Agreement approved by the Town Board and Teamsters Local 264; and

WHEREAS, per the approved Collective Bargaining Agreement, employees with sufficient time of service, who meet specific requirements, are eligible to progress to a higher salary step for an assigned position; and

WHEREAS, multiple employees of the Water & Sewer Department successfully completed the requirements to attain a New York State Commercial Driver’s License.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28<sup>th</sup> day of February 2022 that Kevin Johnson shall be moved to Laborer Class 1, Step 3, effective February 19, 2022 and shall move to the next successive salary step on February 19, 2023, subject to the requirements detailed in the approved Collective Bargaining Agreement.

FURTHER, BE IT RESOLVED, that Daniel Gocher and Lucas Frew shall be moved to Laborer Class 1, Step 3, effective January 21, 2022 and shall move to the next successive salary step on January 21, 2023, subject to the requirements detailed in the approved Collective Bargaining Agreement. This resolution shall take effect immediately.

RESOLUTION 73-22

**APPOINTMENT OF TOWN CONSTABLE**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28th day of February 2022 that, upon recommendation of the Honorable Justices Edmund P. Maziarz and Kevin D. Mack, that Richard Cirrito shall be appointed to the position of Constable. This resolution shall take effect immediately.

RESOLUTION 74-22

**ACTING ASSESSOR EXTENSION**

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

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

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 functions as Assessor for more than six months, the Acting Assessor may be appointed Assessor; and

WHEREAS, by resolution of the Town Board on December 22, 2021 Michael Hartman was appointed Acting Assessor through February 28, 2022; and

WHEREAS, it has been determined that there is a need to extend Mr. Hartman's appointment through April 30, 2022.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28th day of February 2022 that Michael Hartman is authorized to continue as Acting Assessor through April 30, 2022 at a rate of pay of \$1,500.00 per month. This resolution shall take effect immediately.

RESOLUTION 75-22

**APPOINTMENT OF PART-TIME TYPIST**

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

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

WHEREAS, the Town of Pendleton appoints individuals to two part-time Typist positions assigned to the Highway Department and Water & Sewer Department; and

WHEREAS, a Typist position has become vacant due to resignation of a part-time employee; and

WHEREAS, the open position was advertised and multiple applicants have been interviewed; and

WHEREAS, the Highway Superintendent has recommended to the Town Board the name of an applicant to be appointed to the vacant part-time Typist position.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28th day of February 2022 that Dara Bannach is appointed as part-time Typist assigned to the Highway Department and Water & Sewer Department at the rate of \$16.09 per hour. This resolution shall take effect immediately.

RESOLUTION 76-22

**APPOINTMENT OF JUSTICE CLERK**

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

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

Absent 1 Hickman

WHEREAS, the Justices of the Town of Pendleton rely on the assistance of the Court Clerks for efficient and accurate execution of all Court operations; and

WHEREAS, unforeseen factors, such as a pandemic, may preclude Court Clerks from reporting on scheduled duty dates; and

WHEREAS, appointment of an alternate Court Clerk will assist with addressing any future events that may impact the operations of the Town Court

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28th day of February 2022 that Linda Cutter is appointed Court Clerk, at a rate of compensation of \$19.98 per hour, to report for work on an as-needed basis as determined by the Town Justices. This resolution shall take effect immediately.

#### Facilities Usage Agreement Discussion

A discussion took place regarding revisions made to the Facilities Usage Agreement (FUA). It was determined that updates needed to be made now that we are using this form to allow outside groups to use our ball diamonds. The form was adopted to allow specific insurance requirements to be selected based on the type of use requested. It was determined that the generic FUA would be approved and further information regarding the insurance requirements needed for specific events will be provided to the Town Clerk's office.

The discussion continued by moving on to baseball. The Board decided to address the need for individual or team waivers in addition to the FUA and the fee structure for ball diamond maintenance.

#### RESOLUTION 77-22

#### **FACILITIES USAGE AGREEMENT**

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

ADOPTED: Ayes 4 Maerten, Evchich, Graham, Leible

Nays 0

Absent 1 Hickman

WHEREAS, the Town of Pendleton owns and maintains various properties and facilities; and

WHEREAS, it is in the best interest of the Town's residents to offer community benefit groups, organizations, and clubs the opportunity to use the Town's properties and facilities for specific activities; and

WHEREAS, it is important to protect the Town from liability associated with activities sponsored by groups, organizations, and clubs on Town properties and within Town facilities; and

WHEREAS, a facilities usage agreement with appropriate supporting documentation, including proof of insurance, is necessary to protect the Town's interests.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28th day of February 2022 that the included facilities usage agreement is approved and adopted with the following stipulations:

- A) All facilities usage agreements shall be submitted to the Town Board for final approval by resolution.
- B) Insurance requirements stipulated for each use may be modified, in consultation with the Town Attorney and the Town's insurance agent, based upon the proposed usage detailed in the submitted facilities usage agreement.
- C) No activities shall take place prior to final Town Board approval.
- D) Usage by outside groups is limited to outdoor spaces (e.g. ball diamonds and park spaces), the Town Hall Meeting Room, and park pavilions.

- E) The Town Board may require specific fees for proposed activities that present an undue expense to the Town, such as payment to Town employees working outside of regularly scheduled work schedules.
- F) This resolution shall take effect immediately.

Next, Recreation Director Beatrice Mattina reported that the Recreation Committee met with an individual whose group might be interested in managing a town sponsored baseball league in the future (2023). She stated that there are improvements that will need to be made to the ball diamonds before the group will take this on. There has been no interest by anyone to run a house league for this year.

The conversation then turned to the Summer Youth Recreation Program. Mrs. Mattina asked the Board where they stand regarding the cost of the program for this year. A discussion took place about the costs from previous years and anticipated expenses for the current year. All agreed that expenses have increased over the years. They also discussed the hiring of lifeguards and counselors. The number of employees hired is based on the number of registered participants. A very lengthy discussion continued regarding multiple aspects of this program. Supervisor Maerten asked Mrs. Mattina to come up with an estimate of expected expenses and provide the Board with the recommended fees for residents and non-residents needed to provide the same quality program as we have in the past.

#### RESOLUTION 78-22

#### **ADVERTISE FOR SUMMER RECREATION POSITIONS**

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

ADOPTED: Ayes 4                   Maerten, Evchich, Graham, Leible

Nays 0

Absent 1           Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28<sup>th</sup> day of February 2022, to authorize the Town Clerk to publicize the various openings for the 2022 Town of Pendleton Summer Recreation Program.

Councilman Graham informed the Board that he was recently contacted by a representative of Nexamp who was inquiring about leasing approximately 20-30 acres of the vacant, town-owned property on Beach Ridge Road. After a brief discussion with the Board it was confirmed that this property is designated as a State Park and cannot be used as a solar farm. Councilman Graham also stated that he would provide the YMCA with the approved Facilities Usage Agreement so they can move forward with the “fitness in the park” plans.

Town Engineer Britton reported that the boundary survey required by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for CFA grant funding is underway and he expects to have a draft by next week.

Motion by Councilman Leible, seconded by Councilman Evchich, to adjourn from the Work Session at 8:21 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk