

TOWN OF PENDLETON
WORK SESSION
April 25, 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 25th day of April 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. [It was later discovered that there were technical difficulties which prevented the live audio of the GoToMeeting.]

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

Supervisor Maerten, Councilman Evchich, and Councilman Leible were present. Councilmen Graham and Hickman were 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
- Ron Diedrich – Building Inspector/Code Enforcement Officer
- Wolfgang Buechler – Zoning Board of Appeals Chairman

There were five residents in attendance. There were no callers on the line.

RESOLUTION 113-22

APPROVE MEETING MINUTES

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible
 Nays 0
 Absent 2 Graham, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022, that the meeting minutes for the Regular Meeting held on April 11, 2022, are approved as presented by Town Clerk Maurer.

RESOLUTION 114-22

ABSTRACT #8

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible
 Nays 0
 Absent 2 Graham, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022, to authorize payment of Voucher Abstract #8, Vouchers #22-00373 to #22-00415 to be paid on April 27, 2022:

General Fund	\$	33,995.06
Highway	\$	3,330.44
Refuse	\$	42,929.20
Sewer	\$	3,443.65
Water	\$	610.99
Total	\$	84,309.34

RESOLUTION 115-22

APPOINT PART-TIME RECREATION DIRECTOR

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible
 Nays 0
 Absent 2 Graham, Hickman

WHEREAS, the Town of Pendleton plans, organizes, and implements a variety of recreational programs; and

WHEREAS, the position of part-time Recreation Director is responsible for all-aspects of the Town's recreation programs; and

WHEREAS, the position of part-time Recreation Director was vacated due to the resignation of the previous incumbent, accepted at the April 11, 2022 meeting of the Town Board; and

WHEREAS, an applicant has indicated interest in the position of part-time Recreation Director and this applicant's qualifications were reviewed and approved by Niagara County Civil Service; and

WHEREAS, the established rate of compensation in the Town's approved 2022 budget is \$7,704.00 annually.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022 that Joelle Lange is appointed part-time Recreation Director at an annual rate of \$7,704.00, prorated based on the date of appointment. This resolution shall take effect immediately.

RESOLUTION 116-22

BEAR RIDGE CEMETERY

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 2 Graham, Hickman

WHEREAS, representatives of the Bear Ridge Cemetery Association have communicated to the Town Board of the Town of Pendleton that the cemetery is at risk of being considered abandoned; and

WHEREAS, the Town of Pendleton is legally obligated to ensure minimal maintenance and upkeep of abandoned cemeteries located within the Town; and

WHEREAS, it is in the best interest of the Town of Pendleton and the Bear Ridge Cemetery Association to research and explore actions that may be taken to address this situation; and

WHEREAS, an engagement letter has been received from Hodgson Russ to commence work related to the potential abandonment of the Bear Ridge Cemetery.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022 that the Supervisor is authorized to accept the engagement letter from Hodgson Russ related to the possible abandonment of the Bear Ridge Cemetery. This resolution shall take effect immediately.

RESOLUTION 117-22

2022 CONTRACT FOR FIREWORKS DISPLAY

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 2 Graham, Hickman

WHEREAS, a display of fireworks celebrating Independence Day continues to be a Town of Pendleton tradition; and

WHEREAS, a resolution accepting a contract with Pyrotecnico for the 2021 fireworks display was approved at the October 12, 2020 meeting of the Town Board; and

WHEREAS, the contract required a down payment for the 2021 fireworks display, including the stipulation that there would be no penalty should the 2021 fireworks display be canceled due to the pandemic; and

WHEREAS, the cost of the fireworks display for 2022 is estimated to not exceed \$18,000.00.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022 that the Supervisor is authorized to sign a contract with Pyrotecnico for an

amount not to exceed \$18,000.00, pending presentation of proper insurance documentation and review by the Town Attorney.

FURTHER, BE IT RESOLVED, that all permit fees related to the fireworks display are waived. This resolution shall take effect immediately.

RESOLUTION 118-22

BALL FIELD RENTAL FEES

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 2 Graham, Hickman

WHEREAS, the Town of Pendleton owns and maintains multiple baseball and softball fields located in the Town Park at 6570 Campbell Boulevard; and

WHEREAS, the Town Board approved a facilities usage agreement affording organizations the opportunity to rent the Town's baseball and softball fields for specific dates and times; and

WHEREAS, the Town of Pendleton incurs expenses related to the upkeep and maintenance of fields due to usage; and

WHEREAS, the Town of Pendleton cannot subsidize the cost of athletic field usage by organizations not solely devoted to serving Town residents.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022 that organizations using Town-owned baseball and softball fields shall be charged \$50.00 per day if field maintenance is requested for each specific date. Maintenance is defined as a request for field striping and raking of the infield.

FURTHER, BE IT RESOLVED, that the events of the Challenger League are exempt from the field usage fee. This resolution shall take effect immediately.

RESOLUTION 119-22

PENDLETON FARM & HOME DAYS FUNDING

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 2 Graham, Hickman

WHEREAS, the Pendleton Farm & Home Days has become an annual event in the Town of Pendleton and is held on property owned and maintained by the Town of Pendleton; and

WHEREAS, the Town Board has received a request from the Pendleton Farm & Home Days organization requesting support for the 2022 event; and

WHEREAS, the organization's ability to financially commit to this event has been strained by the recent pandemic, as the Pendleton Farm & Home Days was canceled in 2020 and 2021; and

WHEREAS, this event is open to all and all Town of Pendleton residents benefit from the Pendleton Farm & Home Days.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022 that the Town of Pendleton commits to providing funding for the items listed below, at a cost not to exceed the listed amount, with payment made directly to vendors selected in compliance with the Town's approved procurement policy:

- A) Sanitation, including portable toilet facilities - \$1,200.00.
- B) Stage rental - \$2,000.00.
- C) Tent rental - \$2,500.00.
- D) Security - \$1,500.00.
- E) Miscellaneous consumables - \$200.00.

This resolution shall take effect immediately.

RESOLUTION 120-22

KNOX BOXES

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 2 Graham, Hickman

WHEREAS, the Town of Pendleton owns and maintains the Town Hall and Public Works Garage; and

WHEREAS, the Town Hall and Public Works Garage have fire alarm systems installed and continuously monitored by contract; and

WHEREAS, emergency services respond to all alarms, regardless of the time of day, and access is difficult at times when neither facility is open to the public; and

WHEREAS, the Wendelville Fire Company, Inc. prefers the use of building access systems known as the Knox Box, which allows responding personnel the ability to access a facility at any time; and

WHEREAS, the Knox Box is a proprietary product and a quote was received for purchase of this product.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022 that purchase of two (2) Knox Boxes is approved at a total cost of \$963.00.

FURTHER, BE IT RESOLVED, that the Highway Superintendent is authorized to direct the installation of one (1) Knox Box each at the Town Hall and Public Works Garage. This resolution shall take effect immediately.

RESOLUTION 121-22

TEMPORARY CLOSING OF MAIN ROAD

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 2 Graham, Hickman

WHEREAS, Main Road, a public roadway intersecting with Mapleton Road at its north terminus and Campbell Boulevard at its south terminus, is a road maintained by the Town of Pendleton; and

WHEREAS, the Town Board has received a request from the Wendelville Fire Company, Inc. to close Main Road to traffic on June 14, 2022 from 5:00 p.m. to 9:00 p.m. for reasons that include fundraising for the Fire Company.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022 that the Wendelville Fire Company, Inc. is authorized to close Main Road to traffic on June 14, 2022 from 5:00 pm to 9:00 pm. This resolution shall take effect immediately.

RESOLUTION 122-22

APPOINT HIGHWAY DEPARTMENT SEASONAL LABORER

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 2 Graham, Hickman

WHEREAS, the Highway Department of the Town of Pendleton annually hires multiple individuals for the position of seasonal laborer, performing a variety of duties at the direction of the Highway Superintendent; and

WHEREAS, the compensation for the position of seasonal laborer was established by resolution at the April 26, 2021 meeting of the Town Board at a rate of \$14.00 per hour; and

WHEREAS, the seasonal laborer position was advertised and applications were received from multiple applicants; and

WHEREAS, the Highway Superintendent has reviewed applications, interviewed these applicants, and communicated his recommendation to the Town Board.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022 that Craig Walter is appointed to the position of seasonal laborer, compensated at a rate of \$20.00 per hour, based on his experience and qualifications. This resolution shall take effect immediately.

RESOLUTION 123-22

AUTHORIZE ADVERTISEMENT OF PUBLIC WORKS POSITIONS

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible
Nays 0
Absent 2 Graham, Hickman

WHEREAS, the Highway, Water, and Sewer Departments require a minimum level of staffing to meet the needs of the residents and property owners of the Town of Pendleton, maintaining infrastructure and performing vital tasks; and

WHEREAS, two full-time Highway Department positions are open due to a resignation and also the creation of an additional position included in the approved 2022 budget; and

WHEREAS, the Highway Superintendent has requested authorization to advertise for these two open positions.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April that the Town Supervisor is authorized to create a posting for anticipated openings that may include truck driver and mechanical equipment operator. Furthermore, the Town Clerk is authorized to publicly advertise these openings. This resolution shall take effect immediately.

RESOLUTION 124-22

APPOINT ACTING ASSESSOR

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible
Nays 0
Absent 2 Graham, Hickman

WHEREAS, Michael Hartman was appointed Acting Assessor of the Town of Pendleton by resolution of the Town Board at the February 25, 2022 Work Session; and

WHEREAS, Mr. Hartman's appointment as Acting Assessor expired, as stipulated by resolution, as of April 30, 2022.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022 that Thomas Valentine is appointed Acting Assessor, effective May 1, 2022. This resolution shall take effect immediately.

RESOLUTION 125-22

FACILITES USAGE AGREEMENT - STARPOINT

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible
Nays 0
Absent 2 Graham, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 25th day of April 2022, to approve the Facilities Usage Agreement for Starpoint Intermediate School pending submission of the required certificate of insurance.

Next, Councilman Evchich shared that he will be attending a meeting at Starpoint to work on a new contract for use of the facility as the current contract expires at the end of this year. He also reported that Mason's Mission will be holding a volunteer clean-up day at the park on May 21st beginning at 9:30 a.m. Lastly, Councilman Evchich brought up a suggestion to create a Parks and Recreation Department for the Town. A lengthy discussion ensued regarding this topic.

Engineer Britton reported that The Meadows at Pendleton North subdivision is closer to dedication. He will also be meeting with the attorney for the Bear Ridge Solar, LLC project regarding their application for permit. Mr. Britton stated that he is also working on putting together bid packages for the generator and the Community Center.

Councilman Leible spoke about the grand re-opening of the Pendleton Lunch Program which will be held at the Pendleton Center United Methodist Church every Monday at noon. He asked Town Clerk Maurer to post this information on the website. He also asked that newsletter articles be submitted to him no later than May 15th for the summer edition.

A brief discussion took place with the Board members and Attorney Joerg regarding a proposed Community Host Agreement with a local solar company which will be presented at the Regular Meeting on May 9, 2022.

Highway/Water & Sewer Superintendent Fischer informed the Board that the picnic tables at DePeau Park had to be removed due to obscene graffiti and replaced with older wooden tables. He also stated that the fence repair has begun at DePeau Park.

Building Inspector Diedrich let everyone know that beginning in May, Town Clerk Maurer and he will be hosting monthly department head meetings on the third Tuesday of each month.

Deputy Town Supervisor Walter reported that the steel is starting to be erected for the new fire hall.

Town Clerk Maurer informed the Board that she will be out of town in the beginning of May and will miss the May 9th meeting. She also noted that there will be no live GoToMeeting or live conference call for that meeting.

Zoning Board of Appeals (ZBA) Chairman Buechler reported that tomorrow's scheduled ZBA meeting is expected to be light and that there are no new hearings.

There were no public comments.

Supervisor Maerten reminded everyone that the next Regular Meeting is scheduled for May 9, 2022 with a Public Hearing starting at 6:55 p.m.

Motion by Councilman Leible, seconded by Councilman Evchich, to adjourn from the Work Session at 8:03 p.m. Motion carried.

Deborah K. Maurer, Town Clerk