

**TOWN OF PENDLETON
REGULAR MEETING
July 11, 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 11th day of July 2022 at 7:00 p.m. The meeting was open to the public.

Supervisor Maerten called the meeting to order at 7:02 p.m.

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

Roll Call:

Supervisor Maerten	Present
Councilman Evchich	Present
Councilman Hickman	Present
Councilman Leible	Present
Councilman Lombardo	Present

Also present:

Deborah Maurer - Town Clerk
Claude Joerg – Town Attorney
Dave Fischer – Highway/Water and Sewer Superintendent
Dave Britton – Town Engineer
Tom Valentine – Assessor
Mark Walter – Deputy Town Supervisor
Wolfgang Buechler – Zoning Board of Appeals Chairman
Niagara County Deputy Sheriff Daryl Kroening
Sandra Masterson – Board of Assessment Review
MaryAnn Welka – Bard of Assessment Review

There were five residents in attendance.

ADDITIONS OR DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Add – Surplus HP LaserJet Printer

COMMUNICATIONS

There were no communications to report.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

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

ROUTINE BUSINESS

RESOLUTION 164-22

APPROVE MEETING MINUTES

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022, that the meeting minutes for the Regular Meeting held on June 13, 2022, are approved as presented by Town Clerk Maurer.

RESOLUTION 165-22

ABSTRACT #12

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022, to authorize payment of Voucher Abstract #12, Vouchers #22-00629 to #22-00689 that was paid on June 29, 2022:

General Fund	\$	25,183.23
Highway	\$	29,424.95
Sewer	\$	2,057.67
Water	\$	20,709.69
Trust & Agency	\$	628.00
Total	\$	78,003.54

RESOLUTION 166-22

ABSTRACT #13

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022, to authorize payment of Voucher Abstract #13, Vouchers #22-00690 to #22-00757 to be paid on July 13, 2022:

General Fund	\$	157,389.07
Highway	\$	294,923.06
Refuse	\$	189.00
Sewer	\$	4,659.67
Water	\$	73,472.74
Total	\$	530,633.54

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for May 2022 was \$187,250.78. This is an increase of \$45,666.80 when compared with May 2021. The year to date received for 2022 is \$920,600.42 which is an increase of \$226,399.85 from 2021.

Councilman Leible thanked the Highway Department for their help with the Fourth of July celebration. He also thanked Deputy Kroening for changing his schedule that day. He reported that the event went off without any problems and it was a nice night with great music and a nice fireworks display. Mr. Leible also stated that he is still working on getting quotes to have the exhaust fans fixed as well as for pest control at the Town Hall.

Councilman Evchich welcomed newly appointed Councilman Lombardo and thanked Deputy Kroening for his hard work protecting the Town.

Councilman Hickman presented the Board members with a scrap tire collection and cost comparison report. He will continue to research this and report back to the Board with his recommendations.

Councilman Lombardo thanked the Town Board for having faith and appointing him to this position. He stated that he intends on pursuing this elected position in the fall. Mr. Lombardo also mentioned that he has been attending events around town and has stopped in to meet the staff at Town Hall and the Public Works Department. Lastly, he said that he noticed that The Ship (formerly known as Ship 'N Shore) has been fully renovated and is now open; he stated that he is happy to see businesses up and running again instead of being shut down.

Attorney Joerg had nothing new to report.

Engineer Britton provided brief updates about a few projects in the Town. He stated that there has been no action on the Bear Ridge Solar project due to a second notice of incomplete application that was issued from the State. He also informed the Board that clearing and grubbing activities have started for the Jacus Subdivision and that the Planning Board is currently reviewing the Town Code for further amendments. Mr. Britton also explained that he is in the process of preparing the Bid Package for the Emergency Generator which falls under the awarded SAM Grant.

DEPARTMENT HEADS

Town Clerk Maurer reported that in June, the Town Clerk's office was busy with marriage licenses, dog license renewals and building permits. She also stated the automatic withdrawal requests for water bill collection have been steady and that the monthly departmental reports which were submitted to her have all been posted online.

Highway and Water/Sewer Superintendent Fischer welcomed Councilman Lombardo. He then reported on various activities performed by the Department of Public Works (DPW) during the month of June including shared services with the Town of Cambria and Niagara County for blacktop and millings work. They also relocated benches at the bocce court, mowed the parks and town property as needed, chipped brush and replaced a culver pipe. He also stated that mulch was laid at DePeau Park. The DPW staff also assisted with moving furniture during the Town Hall interior painting project and have continued to prepare the yard for the new salt shed.

Assessor Valentine stated that during the month of June, the Assessor's office continued to update files with inventory changes and improvements on properties. He also reported that he received a report from New York State indicating approximately 130 property owner's Basic and Enhanced STAR exemption status changes. He noted that 51 of the exemptions were entered improperly into the State's system in the past which has caused this list to be so extensive. He is hoping that by correcting these issues now the report will be much smaller next year. Mr. Valentine also stated that the Final Roll has been printed and is available at the Town Hall for public viewing.

Niagara County Deputy Daryl Kroening provided a report of his activity for the last quarter. He reported that he had a total of 401 incidents in the Town which included 81 tickets, six arrests and 92 traffic stops. He noted that he was out for the birth of his son for a few weeks and that he did not have the numbers from the other deputies that covered for him during that period. He also mentioned that he has been getting positive feedback from individuals using the trails. A discussion also occurred regarding recent vandalism at the Town Park. Deputy Kroening was able to speak with the individuals involved.

NEW BUSINESS

Local Boy Scout, Michael Prosser, spoke regarding his proposal to clean up Nine Mile Island as a project to earn his Eagle Scout rank. He stated that the project will include tree trimming, weeding, grass cutting, spreading millings, and general clean up to make the island more inviting and safe for residents.

RESOLUTION 167-22

EAGLE SCOUT PROJECT

Motion by Councilman Leible, seconded by Councilman Evchich, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022, to authorize Michael Prosser's proposed Eagle Scout project involving the cleanup of Nine Mile Island.

RESOLUTION 168-22

DECLARE HIGHWAY TRUCK #14 SURPLUS

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Town of Pendleton owns a 2004 International truck with Vehicle Identification Number 1HTWYAHT84J085325; and

WHEREAS, the Town has purchased new equipment minimally equivalent to this truck; and

WHEREAS, it is no longer prudent or necessary for the Town to continue owning and maintaining this specific truck.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022 that the 2004 International truck with Vehicle Identification Number 1HTWYAHT84J085325 and the truck's snow plow are declared surplus.

FURTHER, BE IT RESOLVED, that the Highway Superintendent is authorized to take action leading to the sale and disposal of this truck and snow plow through appropriate means. This resolution shall take effect immediately.

RESOLUTION 169-22

PURCHASE OF TRUCK

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Town of Pendleton owns and maintains a wide-variety of specialized equipment which is operated by employees of the Highway and Water & Sewer Departments; and

WHEREAS, the Town of Pendleton owns and maintains multiple on-road vehicles, commonly known as dump trucks, which are used for purposes that include snow removal and road repair; and

WHEREAS, due to age and use it is prudent and necessary to replace a dump truck with a suitable new model; and

WHEREAS, representatives of the Highway Department directed great time and effort to researching information related to replacement of this dump truck; and

WHEREAS, purchase of a 2024 Mack Granite 64FR mDrive chassis with body and plow equipment is recommended and is available through the Onondaga County Heavy Truck Class 8 Statewide Contract #8996; and

WHEREAS, the cost of equipment, such as this truck, continues to increase at a dramatic rate and therefore it is in the Town's best interest to not delay this purchase.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022 that purchase of the specified Mack truck with body and plow is authorized from Beam Mack Sales & Service for an amount not to exceed \$288,476.52.

FURTHER, BE IT RESOLVED, that purchase of an extended warranty for 84 months and up to 250,000 miles is authorized for a price not to exceed \$6,584.00.

FURTHER, BE IT RESOLVED, that a finance/ownership contract with Conway Beam Mack Group is authorized with a down payment of \$28,847.64 and three annual payments of \$94,107.86. This resolution shall take effect immediately.

RESOLUTION 170-22

PURCHASE OF TRUCK BODY FOR TRUCK #18

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Town of Pendleton owns a light duty truck chassis with dump body, which is used by the public works department; and

WHEREAS, the dump body of this particular truck is in need of replacement; and

WHEREAS, bids were received from multiple vendors for the cost of supplying and installing a new truck body.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022 that the bid of \$19,550.00 received from Valley Fab of Boston, NY for the purchase and installation of a new truck body for a truck chassis currently owned by the Town is authorized.

FURTHER, BE IT RESOLVED, that the truck body currently owned by the Town, which will be removed from the chassis for replacement, is declared surplus. This resolution shall take effect immediately.

RESOLUTION 171-22

DECLARE MILLINGS SURPLUS

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Highway Department of the Town of Pendleton anticipates road maintenance of a specific Town road and this activity will produce materials known as road millings; and

WHEREAS, the Town currently has stockpiled a sufficient supply of road millings for anticipated future use; and

WHEREAS, the time, effort, and expense to transport these newly produced road millings to the Town Highway Garage for storage is not warranted should other disposal options be available; and

WHEREAS, the sale of road millings will assist in offsetting the cost of road maintenance and reduce or eliminate additional costs related to the transport, stockpiling, and storage of these road millings.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022 that all road millings produced as a result of road maintenance activities from July 1, 2022 to December 31, 2022 are declared surplus.

FURTHER, BE IT RESOLVED, that this resolution does not apply to any materials currently on any Town-owned property or any materials which are placed on Town-owned property in the future.

FURTHER, BE IT RESOLVED, that the Highway Superintendent is authorized to sell surplus road millings to any individual or entity at a cost of \$100.00 per load, with delivery limited to the Town of Pendleton.

FURTHER, BE IT RESOLVED, that prepayment is required for all sales of road millings. This resolution shall take effect immediately.

RESOLUTION 172-22

LIFEGUARDS PAY RATE

Motion by Councilman Leible, seconded by Councilman Evchich, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo
Nays 0

WHEREAS, at the June 13, 2022 meeting of the Town Board of the Town of Pendleton the rate of pay for a select group of seasonal employees was authorized by resolution; and

WHEREAS, it is necessary to increase the rate of pay for seasonal employees certified and working as a lifeguard for the Town's summer recreation program.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022 that the rate of pay for the following individuals shall be set at \$15.50 per hour, superseding any previously established rate of pay:

Diega Ciraolo
Dominic Ciraolo
Vincent Ciraolo
Ashleigh Cottrell
Ava Jones
Ben Majewski
Aidan Hurley

FURTHER, BE IT RESOLVED, that the rate of pay for Carrie Ciruolo, serving in a supervisory capacity of all lifeguards, shall be set at \$22.00 per hour, superseding any previously established rate of pay. This resolution shall take effect immediately.

RESOLUTION 173-22

PENDLETON STATION MARKET FEE WAIVERS

Motion by Councilman Leible, seconded by Councilman Evchich, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Town of Pendleton operates a Farmers Market, presently known as the Pendleton Station Market; and

WHEREAS, the Town requires licensing and payment of a fee for all vendors operating within the Town; and

WHEREAS, specific vendors operate at the Pendleton Station Market at the invitation of the Town and therefore it is requested that the vendor fees be waived for these vendors.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022 that the vendors fee for the following vendors is waived for 2022:

- Momma Bee Well
- Niagara Down Under Inc.
- Diamonds in the Rough Animal Rescue, Inc.
- Kester's Farm

This resolution shall take effect immediately.

RESOLUTION 174-22

DECLARE HP PRINTER AS SURPLUS

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022, to declare one obsolete, non-functioning HP LaserJet printer, from the Supervisor's Office, as surplus.

RESOLUTION 175-22

DECLARE PITCHING MACHINES SURPLUS

Motion by Councilman Evchich, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 5 Maerten, Evchich, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of July 2022, to declare two Jugs baseball pitching machines, model #s 05950 and SR3616-681-7, as surplus.

BOARD MEMBERS DISCUSSION

Supervisor Maerten stated that a Work Session is tentatively scheduled for July 25, 2022 at 7:00 p.m. and the next Regular Board Meeting is scheduled for August 8, 2022 at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

A resident stated that she would like to know why her emails and letters to the Board are not considered communications and when her questions will be answered by the Board.

Motion by Councilman Leible, seconded by Councilman Hickman, to adjourn from the Regular Meeting at 7:55 p.m. Motion carried.