

TOWN OF PENDLETON
WORK SESSION
October 24, 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 24th day of October 2022 at 7:00 p.m. The meeting was open to the public.

Supervisor Maerten called the meeting to order at 7:00 p.m.

Supervisor Maerten, Councilman Evchich, and Councilman Leible were present. Councilmen Hickman and Lombardo were absent.

Also present:

Deborah Maurer – Town Clerk
Dave Fischer – Highway/Water & Sewer Superintendent
Aaron Bair – Deputy Water & Sewer Superintendent
Ron Diedrich – Building Inspector/Code Enforcement Officer
Mark Walter – Deputy Supervisor
Dave Britton – Town Engineer
Tom Matuski – Budget Officer

There were 14 residents in attendance.

Supervisor Maerten began the meeting by introducing Marissa Wroblewski and Christa Durshordwe from the Pendleton Station Market (PSM) who were in attendance to provide an update on the 2022 season. The update included highlights from the season by recognizing several local businesses that sponsored the market, rebranding of marketing materials, and participation in the Farmer's Market Nutrition Program. They also spoke about many of the charitable and fun activities which were part of this year's events. Lastly, the presentation included a discussion about some of the challenges faced and potential updates to the permit process for the next season.

Supervisor Maerten thanked Marissa and Christa for coming and for the hard work of all of the PSM volunteers. He also began a discussion regarding the current policy to refund the vendor permit fee/security deposit. Councilman Leible asked that Mrs. Wroblewski provide the credentials to the PSM website to the Town Clerk.

A presentation by Joanne Zimmerman, Co-Chairperson of the Pendleton Farm & Home Days (PF&HD) followed. Mrs. Zimmerman read aloud a statement she had prepared to update the newer members of the Town Board on the history of the Pendleton Farm & Home Days. This statement explained how and when the all-volunteer committee was formed and the extensive amount of learning and work which went into the first PF&HD in August of 2017. Mrs. Zimmerman continued to explain their transition into a not-for-profit 501c3 organization. She proceeded to point out the progression from year to year and its popularity with the residents. There were many other important items that she focused on during her presentation which included stories of the various agencies, businesses, organizations and supporters of the event all of whom made the event's success possible over the last few years. She stated that they are requesting continued support from the Town for tents, a stage, sanitation and electricity.

Supervisor Maerten thanked Mrs. Zimmerman and all of the PF&HD volunteers for their work over the years. He mentioned that the 2023 budget will include the cost of security for the event. He also asked that they provide him with a draft of the expenses which they would like covered and stated that the Town will put together a facilities usage agreement for this event.

Next, Joseph Riester, President of the Wendelville Fire Company (WFD), addressed the Board presenting them with the fire company's 2023 budget requests. The informative presentation included details about the increase in fire company call volume, fundraising efforts, and the new Main Road Substation expenses. The WFC is requesting an increase for their contract for 2023 and additionally asking that the Town continues to fund the NY Volunteer Cancer Benefit Program. WFC Chief Matt Berry, 3rd Assistance Chief Rich Misztal, and Recording Secretary Mark Walter also contributed to the presentation.

Next, Supervisor Maerten returned to the other meeting agenda items.

RESOLUTION 228-22

APPROVE MEETING MINUTES

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 24th day of October 2022, that the meeting minutes for the Regular Meeting held on October 10, 2022 are approved as presented by Town Clerk Maurer.

RESOLUTION 229-22

ABSTRACT #20

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 24th day of October 2022, to authorize payment of Abstract #20, pre-audit eligible Vouchers #22-01107 to #22-01111, paid on October 17, 2022, and Vouchers #22-01112 to #22-01160, to be paid on October 26, 2022:

General Fund	\$	19,883.36
Highway	\$	16,871.23
Refuse	\$	45,728.38
Sewer	\$	27,393.17
Water	\$	5,480.60
Total	\$	115,356.74

RESOLUTION 230-22

REPLACEMENT TRUCK PARTS

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

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

WHEREAS, the Town of Pendleton owns and maintains a wide-variety of equipment for public works; and

WHEREAS, it has been determined that a specific truck requires replacement tires, rims, and brakes to ensure safe operation; and

WHEREAS, the Town's adopted Procurement Policy requires Town Board approval for expenditures greater than \$3,000.00; and

WHEREAS, the required replacement truck components are limited in supply and only one vendor has been identified that can supply the required items.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 24th day of October 2022 that the purchase of truck components from Transport Services of Buffalo, New York for an amount quoted for \$6,057.52 is approved. This resolution shall take effect immediately.

Town Credit Card Discussion

Supervisor Maerten began a conversation regarding the use of a town credit card stating that this topic has come up several times over the years. Some of the newer Board members had recently expressed interest in this which led to a new conversation on this subject matter. Town Clerk Maurer had recently shared old documentation as well as information that she received from the Office of the New York State Comptroller and mentioned some reasons why it might be beneficial to the Town to consider this option. A discussion occurred with questions and comments from other Board members. A decision was not made regarding this matter.

RESOLUTION 231-22

WAIVE PERMIT FEES FOR CONSTRUCTION PROJECTS

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible
Nays 0

Absent 0 Hickman, Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 24th day of October 2022, that all permit fees related to the construction of the new park lavatory, the new community center, and the park improvements project are waived.

RESOLUTION 232-22

PURCHASE OF MULTIPLE PIPE FITTINGS

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 0 Hickman, Lombardo

WHEREAS, the Town of Pendleton Water & Sewer Department is in need of replacement pipe fittings; and

WHEREAS, three quotes have been provided by the Deputy Water & Sewer Superintendent; and

WHEREAS, in accordance with the Town of Pendleton's adopted procurement policy Town Board approval is required for this purchase.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 24th day of October 2022 that the purchase of multiple pipe fittings from Ferguson Water Works for \$3,685.50 is approved. This resolution shall take effect immediately.

RESOLUTION 233-22

CYBER LIABILITY & BREACH RESPONSE COVERAGE

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 0 Hickman, Lombardo

WHEREAS, the Town of Pendleton ensures that the Town has in place adequate insurance coverage; and

WHEREAS, all Town of Pendleton operations increasingly rely on computer technology; and

WHEREAS, the threats faced from cyber-attacks and similar acts of malfeasance are an ever increasing reality faced by all, including the Town of Pendleton; and

WHEREAS, it is prudent to have in place adequate cyber coverage to protect the Town of Pendleton.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 24th day of October 2022 that the addition of Cyber Liability & Breach Response Coverage through NYMIR for \$4,460.00 is approved. This resolution shall take effect immediately.

Next, the Board and Highway/Water & Sewer Superintendent Fischer held a brief conversation about the new salt shed. Mr. Fischer also mentioned that the DPW staff is getting trucks ready for the winter season. They also spoke about the potential to fence the DPW property and possibly dig for the future installation of fiber optic cable so it is completed before the paving project begins.

Deputy Water & Sewer Superintendent Bair stated that the Consumption Report was emailed to the Board. Supervisor Maerten also brought up the topic of putting money in the 2023 budget for replacing water lines and/or painting the water tower. A very lengthy discussion ensued regarding replacing water lines, the potential availability of grant funds, and the painting of the tower.

Building Inspector/Code Enforcement Officer Diedrich expressed his frustration with the construction of the new lavatory structure, citing lack of communication from those involved in the project. He asked the Town Board and other department heads to improve communication for Town projects explaining that things will be done faster and more efficiently.

Town Engineer Britton explained that he will be issuing an addendum to the Pendleton Town Park Site Improvements Contract RFP to allow 4" pipes. This is necessary because of the lack of 3" pipes which were included in the original request. He stated that we will also need to move the bid opening date to November 1st to allow bidders more time to update their bid.

RESOLUTION 234-22

AMEND BID DATE – TOWN PARK IMPROVEMENTS PROJECT

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 0 Hickman, Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 24th day of October 2022, to reschedule the bid due date for the Town Park Site Improvements Project from October 27, 2022 to November 1, 2022 at 11:00 a.m. and to include the addendum as presented by the Town Engineer.

RESOLUTION 235-22

REQUEST NCSD TO WAIVE TAP-FEE

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

ADOPTED: Ayes 3 Maerten, Evchich, Leible

Nays 0

Absent 0 Hickman, Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 24th day of October 2022, to authorize the Town Supervisor to send a letter to the Niagara County Sewer District to waive the tap-fee for the manhole located on Town property.

Next, Councilman Leible asked Building Inspector/Code Enforcement Officer Diedrich for an update on Nine Mile Island. Mr. Diedrich stated that he is waiting for information from the Town Attorney. Supervisor Maerten explained that the Town will need to provide an eviction notice to the tenant.

Budget Officer Maturski reported that three changes have been made to the Tentative Budget for 2023. He explained that adjustments were made to the Celebrations line for fireworks, the Court/Justice line for bullet proof vests and for consultation. He also stated that a revenue adjustment was made due to sales tax.

Supervisor Maerten stated that he will share the PF&HD and WFC budget requests with the Board for consideration and scheduled a Budget Session to be tentatively held on November 1, 2022 at 7:00 p.m. Mr. Maerten also reminded the Town Board that a Public Hearing for the Preliminary Budget will be held on November 9, 2022 at 7:00 p.m. noting that a Special Meeting will be held immediately following the Public Hearing. He also reported that the next Regular Town Board meeting will be held on November 14, 2022 at 7:00 p.m.

Motion by Councilman Leible, seconded by Councilman Evchich, to adjourn from the Work Session at 8:39 p.m. Motion carried.

After the adjournment of the Work Session, a member of the audience asked if she could address the Board. Supervisor Maerten opened up the floor for public comments. The resident stated that she was “putting the Town Board on notice” by informing them that the Town’s website was not accessible to all people and therefore deemed discriminatory as per Title III of the Americans with Disabilities Act.

Another resident asked questions about specific projects and how they are presented on the Tentative Budget. A discussion took place with Mr. Maerten and Mr. Maturski, both of whom provided answers to some of her questions.

A third resident commented on the Pendleton Station Market website/domain and the refund of the permit fees.

The meeting concluded after the public questions and comments.

Deborah K. Maurer, Town Clerk