

TOWN OF PENDLETON
REGULAR AND ORGANIZATIONAL MEETING & PUBLIC HEARINGS
January 9, 2023

A Regular and Organizational Meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 9th day of January 2023 at 7:00 p.m. The meeting was open to the public.

PUBLIC HEARINGS

PUBLIC HEARING #1 – PROPOSED MODIFICATION OF WATER RATES

Supervisor Maerten opened the first Public Hearing at 6:56 p.m.

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on December 30, 2022 and on the Town's website.

The purpose of the hearing is to allow public input for the proposed modification of water rates for all users effective as of January 1, 2023 as follows:

- 0 to 6,000 gallons - \$19.00 (minimum).
- 7,000 to 12,000 gallons – \$1.40 per thousand gallons.
- 13,000 to 22,000 gallons – \$1.35 per thousand gallons.
- 23,000 to 32,000 gallons – \$1.30 per thousand gallons.
- Over 32,000 gallons – \$1.20 per thousand gallons.

Mr. Maerten also explained that the proposed rates are based on a recommendation from the Water & Sewer Department stating that the only change is an increase of the minimum usage rate. He also noted that the rates have not been changed in approximately five years and stated that the increase is due to normal business related expenses as well as expenses pushed down to the town from Niagara County.

Mr. Edward Harman questioned the need for this increase and stated that he is not in favor of it.

There were no other questions or public comments during the hearing.

Motion made by Councilman Leible, seconded by Councilman Lombardo, to close the Public Hearing at 7:01 p.m. Motion carried.

PUBLIC HEARING #2 - PROPOSED MODIFICATION OF SEWER RATES

Supervisor Maerten opened the second Public Hearing at 7:01 p.m.

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on December 30, 2022 and on the Town's website.

The purpose of the hearing is to allow public input for the proposed modification of water rates for all users effective as of January 1, 2023 as follows:

- Sewer Rates – Residential users.
 - 0 to 12,000 gallons – \$30.00 (minimum charge).
 - 13,000 up to 40,000 gallons – \$2.25 per thousand gallons.
- Sewer Rates – Businesses and buildings with more than two (2) units.
 - 0 to 12,000 gallons – \$35.00 (minimum charge).
 - Over 12,000 gallons – \$3.25 per thousand gallons.

Mr. Edward Harman had additional comments about the proposed increase of sewer rates but agreed that an increase is needed.

Mr. Wolfgang Buechler commented on the proposed changes and asked if the town has the authority to charge different rates for residential vs. business.

There were no other questions or public comments during the hearing.

Motion made by Councilman Leible, seconded by Councilman Lombardo, to close the Public Hearing at 7:05 p.m. Motion carried.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:06 p.m.

Supervisor Maerten read the invocation and the salute to the flag. A moment of silence was also observed for Mr. James Schlemmer, Jr., past Wendelville Fire Company Chief who served over 50 years in fire service and was a longtime member of the Zoning Board of Appeals, who passed away over the weekend.

Roll Call:

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

Also present:

Deborah Maurer – Town Clerk
Claude Joerg – Town Attorney
Mark Walter – Deputy Town Supervisor
Ron Diedrich – Building Inspector/Code Enforcement Officer
Tom Valentine - Assessor
Dave Fischer – Highway/Water and Sewer Superintendent
Dave Britton – Town Engineer
Wolfgang Buechler – Zoning Board of Appeals Chairperson
Nicholas Graves – Zoning Board of Appeals Member
Sandra Masterson – Board of Assessment Review Chairperson
The Honorable Anthony J. Nemi, 11th District Legislator, Niagara County
The Honorable Edmund P. Maziarz, Retired Town Justice
The Honorable Kevin D. Mack, Town Justice
The Honorable Todd T. Ostrowski, Town Justice

There were 14 residents in attendance, seven of which were students from Starpoint.

Supervisor Maerten jumped ahead to New Business agenda items #1-4 to introduce some noteworthy proclamations.

RESOLUTION 01-23

PROCLAMATION HONORING THE HONORABLE EDMUND P. MAZIARZ

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

WHEREAS, the Town of Pendleton is a great town, located in the County of Niagara and the State of New York, being formally incorporated in 1827; and

WHEREAS, the residents of the Town of Pendleton rely on the dedication and devotion of those who step forward to fill important roles that maintain our community as a safe and desirable place to live; and

WHEREAS, the Honorable Edmund P. Maziarz is a long-time resident of our great town, a retired educator, and a devoted individual who has dedicated his time and efforts to his community; and

WHEREAS, the Honorable Edmund P. Maziarz was elected Town Justice for the Town of Pendleton in 1999 and has served honorably for twenty two years, retiring from this position at the end of his term in 2022.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton, on behalf of the citizens of this great town, that we recognize the service and dedication of Justice Edmund P. Maziarz and wish him well in his retirement.

Judge Maziarz addressed the Board and the audience thanking them for this recognition. He also spoke about his plans for the future which include continuing his education by taking college courses.

Next, Niagara County Legislator Tony Nemi presented Judge Maziarz with another proclamation that was issued by the Niagara County Legislature.

Many people offered congratulations to the retired judge and thanked him for his service.

Supervisor Maerten continued with three more proclamations honoring those who provided assistance during the recent blizzard. He began by presenting the following proclamation to Wendelville Fire Company President Joseph Riester. Gratitude was shown by all.

RESOLUTION 02-23

PROCLAMATION HONORING WENDELVILLE FIRE COMPANY

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Town of Pendleton was incorporated in 1827 and for over one hundred years the Town's residents have benefited from the dedication of those who volunteer their time and talents in many ways; and

WHEREAS, the residents of our great town rely on the dedicated volunteers of the Wendelville Fire Company, Inc. to respond whenever called irrespective of the time of day or weather conditions; and

WHEREAS, the Town of Pendleton and areas throughout Western New York experienced historic blizzard conditions starting on December 23, 2022 and continuing through the holiday weekend; and

WHEREAS, the members of the Wendelville Fire Co. responded to many calls for assistance during this storm, disregarding each member's personal needs and safety, working tirelessly to help all who were in need.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton, on behalf of the citizens of this great town, that we recognize the members of the Wendelville Fire Company for their dedication and service to our great community during this historic weather event.

RESOLUTION 03-23

PROCLAMATION HONORING HEBELER SALES & SERVICE

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Town of Pendleton is a community of families who take pride in their town and always work to support their neighbors and neighborhoods; and

WHEREAS, the Town of Pendleton and areas throughout Western New York experienced historic blizzard conditions starting on December 23, 2022 and continuing through the holiday weekend; and

WHEREAS, the members of the Wendelville Fire Co. responded to many calls for assistance during this storm, despite the unprecedented conditions faced by the emergency responders; and

WHEREAS, without hesitation, the owners and employees of Hebler Sales & Service immediately responded to a request for assistance from the Wendelville Fire Company,

preparing and providing equipment that assisted in the response to calls for help during this storm.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton, on behalf of the citizens of this great town, that we recognize the efforts and contributions of Hebel Sales & Service during the Blizzard of 2022.

The following proclamation was presented to Highway/Water & Sewer Superintendent Fischer on behalf of all the Public Works employees. Mr. Fischer thanked the residents for their help and spoke about how hard his staff worked during the storm, giving up time with their families on Christmas.

RESOLUTION 04-23

PROCLAMATION HONORING THE PUBLIC WORKS EMPLOYEES

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

WHEREAS, the residents and property owners of the Town of Pendleton rely on the Highway Department and Water & Sewer Department to provide essential services; and

WHEREAS, the Town's dedicated public works employees willingly accept all calls for assistance, regardless of the time, date, or weather conditions; and

WHEREAS, the Town of Pendleton and areas throughout Western New York experienced historic blizzard conditions starting on December 23, 2022 and continuing through the holiday weekend; and

WHEREAS, the Town's public works employees worked unfathomable hours in the most extreme winter conditions, without regard for their own needs or personal well-being.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton, on behalf of the citizens of this great town, that we recognize the Town's public works employees for their dedication and service to our great community during this historic weather event.

Next, Supervisor Maerten returned to the regular agenda items.

ADDITIONS OR DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Add - #22 Advertise for Winter Recreation Employees
- Add - #23 New Wendelville Fire Company Member
- Add - #24 Executive Session

COMMUNICATIONS

Town Clerk Maurer announced that the Town Hall will be closed on Monday, January 16th in honor of Martin Luther King Jr. Day. She also reported that she received correspondence from the Association of Towns (AOT) regarding the upcoming annual training conference in New York City and the opportunity to assign an official delegate for the conference. Mrs. Maurer indicated that three letters of interest for the Conservation Advisory Council, two letters for Zoning Board of Appeals, and one for Planning Board were also received. She also read two emails that were received from residents complimenting the Department of Public Works for the outstanding job they did keeping the roads safe during the blizzard.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident remarked she was concerned that the agenda did not contain any appointments to the Ethics Board.

Another resident commented on the proposed appointment for a seasonal worker for the Pendleton Station Market, and also asked if the fee for directional boring is an annual fee or if it will be changed again in June.

ROUTINE BUSINESS

RESOLUTION 05-23

APPROVAL OF MINUTES

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 19th day of January 2023, that the meeting minutes for the Regular Meeting held on December 12, 2022, are approved as presented by Town Clerk Maurer.

RESOLUTION 06-23

AUTHORIZE PAYMENT OF ABSTRACT #24 (2022)

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to authorize payment of Voucher Abstract #24, Vouchers #22-01407 to #22-01465 that was paid on December 28, 2022:

General Fund	\$	19,509.95
Highway	\$	28,224.78
Sewer	\$	31,936.83
Water	\$	22,914.94
Total	\$	102,586.50

RESOLUTION 07-23

AUTHORIZE PAYMENT OF ABSTRACT #1 (2023)

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to authorize payment of Voucher Abstract #1, Vouchers #22-01466 to #22-01538 to be paid on January 11, 2023:

General Fund	\$	120,354.17
Highway	\$	46,091.09
Refuse	\$	552.00
Sewer	\$	12,603.04
Water	\$	45,634.12
Trust & Agency	\$	6,631.50
Total	\$	231,865.92

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for November 2022 was \$186,866.60. This is an increase of \$27,908.70 when compared with November 2021. The year to date received is \$2,127,921.22 which is an increase of \$173,533.44 from 2021.

Supervisor Maerten welcomed newly elected Justice Todd Ostrowski. He also spoke again about the response from the Wendelville Fire Company during the storm complimenting the fire company for the excellent service provided. Mr. Maerten informed the audience that the New York State Office of Renewable Energy held a public comment hearing earlier in December regarding the proposed Bear Ridge Solar Project and that the town has filed its comments with the State. Lastly, he spoke about the service issues with Modern Disposal after the storm explaining how the company did everything they could considering the issues they faced as a result of the unprecedented blizzard which hit the entire Western New York area.

The following committee appointments were made in anticipation that Wolfgang Buechler would be appointed as a Town Board member later in the meeting.

COMMITTEE APPOINTMENTS 2023

Assessment	Councilmen Buechler and Leible
Building Inspections & Code Enforcement	Councilmen Hickman and Lombardo
Building & Capital Improvements	Councilmen Leible and Lombardo

Business Development	Councilman Hickman, Supervisor Maerten
Fire Company Service Award	Councilmen Buechler and Hickman
Fire Board	Councilman Leible, Supervisor Maerten
Insurance	Councilman Lombardo, Supervisor Maerten
Town Newsletter	Councilmen Leible and Lombardo
Water & Sewer	Councilmen Hickman and Leible
Highway & Drainage	Councilmen Buechler and Lombardo
Recreation	Councilmen Buechler and Hickman
Security	Councilmen Leible and Lombardo
Conservation, Parks, & Trails	Councilmen Hickman and Leible
Ethics	Councilman Buechler
Celebrations	Councilmen Leible and Lombardo
Pendleton Station Market	Councilman Hickman

SUPERVISOR APPOINTMENTS

Deputy Town Supervisor	Mark Walter
Emergency Services Coordinator	Mark Walter
Town Historian	Carissa Smith
Budget Officer	Thomas Matuski

ASSIGNMENT OF ANNUAL AUDITS

Chief Fiscal Officer	Councilman Buechler
Town Clerk/Tax Collector	Councilman Leible
Town Justice – Judge Mack	Councilman Hickman
Town Justice – Judge Maziarz	Councilman Lombardo

OTHER REPORTS

Councilman Leible thanked Judge Maziarz for his time and dedication to the town and welcomed Judge Ostrowski. Mr. Leible then thanked Hebler's for donating the snowmobiles during the storm stating that they have always been ready to assist the town whenever there is a need. He also thanked the Highway Department for the great job they did during the storm as well as the Wendelville Fire Company for all their assistance. Lastly, he said that his thoughts and prayers are with the family of James Schlemmer.

Councilman Hickman also commented on the great work by the Highway Department and appreciated all that was done during the storm. He also thanked Judge Maziarz for his service to the town.

Councilman Lombardo also provided thanks to those that assisted during the storm and mentioned that he is hoping for communication from Modern Disposal to improve in the future. Councilman Lombardo also reported that he is looking into a real property tax exemption that has been proposed by New York State for volunteer firefighters and ambulance workers. Lastly, he mentioned that he is waiting for updates on the status of Nine Mile Island saying that the executive board will be meeting soon and he will provide information as it becomes available to him.

Town Attorney Joerg expressed his gratitude to the Town Board for the amount of time spent preparing for this meeting.

Engineer Britton provided updates on the Bear Ridge Solar Project, Jacus Subdivision, SAM Grant for the emergency generator for highway garage and the Town Park Improvements Project. He stated that draft community center plans and specifications will be completed soon and should be put out for bid in the near future. Mr. Britton also spoke about some Planning Board applications that are currently under review. A discussion also occurred regarding the water line replacement needed on Campbell Boulevard.

DEPARTMENT HEADS

Town Clerk Maurer reported that she received and posted monthly reports from the Assessor, Building Inspector/Code Enforcement Officer, Engineer, and the Water & Sewer Department. Also posted are the Town Clerk and Water & Sewer Collection reports for December. She also

reported that the 2023 County/Town tax collection period has begun stating the tax bills can be paid in person, by mail, or online and are due without penalty by January 31, 2023.

Highway/Water and Sewer Superintendent Fischer stated that demolition of the log cabin is expected to begin soon. He also commented on how there was constant communication between the Fire Company, the Supervisor and other Councilmen during the storm which was very much appreciated.

Building Inspector Diedrich reported that Ryan Homes is continuing to put up homes in the new development and he will ensure that they are being built to code.

Assessor Valentine stated that his office has received numerous exemption applications and he is spending time with the residents to explain the exemption eligibility. He also spoke about a new bill, recently signed by Governor Hochul, requiring a second notice to be sent to all residents regarding the Senior Exemption. He noted that the town has always gone above and beyond to notify residents of this exemption.

NEW BUSINESS

RESOLUTION 08-23

MODIFICATION OF WATER RATES

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

ADOPTED: Ayes 3 Maerten, Hickman, Lombardo
Nays 1 Leible

WHEREAS, the Town of Pendleton provides municipal water service to the residents and property owners of the Town; and

WHEREAS, all costs and expenses associated with the maintenance and operation of infrastructure necessary to provide municipal water service continues to increase; and

WHEREAS, the cost increases to the Town of Pendleton and the Niagara County Water District, which provides water to the Town's system, have far exceeded any year-to-year increases experienced in many years; and

WHEREAS, the water rates charged for water usage by metered users in the Town of Pendleton must be updated to reflect the increased cost of providing clean and safe drinking water.

WHEREAS, a public hearing for this proposed rate modification was scheduled by resolution of the Town Board on December 12, 2022, advertised, and held on January 9, 2023 at 6:50 pm.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that adopted water rates for all users effective as of January 1, 2023 shall be established as listed:

- 0 to 6,000 gallons - \$19.00 (minimum).
- 6,001 to 12,000 gallons – \$1.40 per thousand gallons.
- 12,001 to 22,000 gallons – \$1.35 per thousand gallons.
- 22,001 to 32,000 gallons – \$1.30 per thousand gallons.
- Over 32,000 gallons – \$1.20 per thousand gallons.

This resolution shall take effect immediately.

RESOLUTION 09-23

MODIFICATION OF SEWER RATES [This resolution was later rescinded by RESOLUTION 65-23]

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

ADOPTED: Ayes 3 Maerten, Hickman, Lombardo
Nays 1 Leible

WHEREAS, the Town of Pendleton provides municipal sewer service to residents and property owners of the Town; and

WHEREAS, all costs and expenses associated with the maintenance and operation of infrastructure necessary to provide municipal sewer service continues to increase; and

WHEREAS, the cost increases to the Town of Pendleton and the Niagara County Sewer District, which receives and processes all outflows from the Town's system, have far exceeded any year-to-year increases experienced in many years; and

WHEREAS, the sewer rates charged for sewer usage by metered users in the Town of Pendleton must be updated to reflect the increased cost of processing all sewer outflows.

WHEREAS, a public hearing for this proposed rate modification was scheduled by resolution of the Town Board on December 12, 2022, advertised, and held on January 9, 2023 at 6:55 pm.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that adopted sewer rates for all users effective as of January 1, 2023 shall be established as listed:

Sewer Rates – Residential users.
0 to 12,000 gallons – \$30.00 (minimum charge).
Over 12,000 gallons – \$2.25 per thousand gallons.

Sewer Rates – Businesses and buildings with more than two (2) units.
0 to 12,000 gallons – \$35.00 (minimum charge).
Over 12,000 gallons – \$3.25 per thousand gallons.

This resolution shall take effect immediately.

RESOLUTION 10-23

WINTER RECREATION PROGRAM

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
 Nays 0

WHEREAS, the Recreation Director of the Town of Pendleton has requested permission to implement a winter recreation program for Town residents; and

WHEREAS, the proposal includes expenses related to operation of this program; and

WHEREAS, the Town Board has been requested to approve this proposal.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that the Recreation Director is authorized to implement a winter recreation program during the months of February and March of 2023 at a cost not to exceed \$750.00.

FURTHER, BE IT RESOLVED, that the Town Hall and adjoining Town property is authorized as a site to host this program. This resolution shall take effect immediately.

RESOLUTION 11-23

ENGINEERING SERVICES – WATER LINE REPLACEMENT

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
 Nays 0

WHEREAS, the Water & Sewer Department of the Town of Pendleton maintains and services all water and sewer infrastructure owned by the Town; and

WHEREAS, in collaboration with the Town Engineer, Water & Sewer Department leadership continually works to identify future needs for infrastructure maintenance, upkeep, and replacement; and

WHEREAS, a specific section of water line has been identified as being in need of replacement in the future and it's in the Town's best interest to work to identify outside funding for the cost of this work; and

WHEREAS, efforts directed towards pre-planning this work will assist the Town in future applications for funding.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that the proposal from Nussbaumer & Clarke, Inc. for engineering services to plan for replacement of a specific section of water line is accepted for a cost of \$46,700.00. This resolution shall take effect immediately.

RESOLUTION 12-23

LIMITED COMPENSATION – COURT ASSISTANCE

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Justices and Clerks of Justice Court of the Town of Pendleton work diligently to ensure proper operation of the Town's court system; and

WHEREAS, Former Justice Edmund P. Maziarz served faithfully for multiple terms, retiring on December 31, 2022; and

WHEREAS, continued operation of the Justice Court would benefit from limited assistance of former Justice Maziarz, as there are many administrative requirements related to the court's operation; and

WHEREAS, the Justice Court has requested that the Town Board approve compensation for former Justice Maziarz for a limited time to assist with transition of responsibilities to the current and new Justices.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that Edmund P. Maziarz is authorized to assist with the transition of duties of the Justice Court from January 1, 2023 through March 31, 2023 with a compensation of \$6,865.63. This resolution shall be effective as of January 1, 2023.

RESOLUTION 13-23

DIRECTIONAL BORING

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Water & Sewer Department of the Town of Pendleton is responsible for new connections to the Town's water and sewer systems; and

WHEREAS, connections to the Town's water and sewer systems for parcels located on the opposite side of the roadway from water and sewer main lines requires placement of system components beneath the roadway; and

WHEREAS, at the June 13, 2022 meeting of the Town Board a resolution was accepted authorizing a requirement for directional boring for utility connections and specified a contractor for this service; and

WHEREAS, it is in the best interest of the Town to ensure a reputable contractor is engaged for services for all directional bores.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that it is the policy of the Town of Pendleton to require directional boring for installation and placement of all water and sewer line connections that require the placement of system components beneath the surface of public roadways.

FURTHER, BE IT RESOLVED, that Custom Crews, Inc. (CCI) is named as the sole source contractor for boring services based on a quote of \$2,100.00 for the initial directional bore, an additional \$800.00 if a second utility pull is required, and \$350.00 set-up and mobilization fee for unforeseen obstacles.

FURTHER, BE IT RESOLVED, that the cost of directional boring for connection of water and sewer service, when necessary, shall be paid by the property owner prior to commencement of work. This resolution shall take effect immediately.

RESOLUTION 14-23

DECLARE MULTIPLE ITEMS AS SURPLUS

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that the following items are declared surplus:

- A) 2008 Ford F-250 truck with utility box and Snowdogg plow
- B) (2) one-way snow plows for dump truck
- C) Various assorted sized steel and ductile piping
- D) Lanier copier and printer
- E) (2) Brother fax machines
- F) Wood desk
- G) Steel desk
- H) Table cart (asset 1104)
- I) Pitching machine

FURTHER, BE IT RESOLVED, that the Highway Superintendent or his designee is authorized to make available to the public these surplus items, for sale to the highest public bidder, following procedures established for the sale of surplus equipment.

FURTHER, BE IT RESOLVED, that any items remaining unsold following public auction may be disposed of at the direction of the Highway Superintendent. This resolution shall take effect immediately.

RESOLUTION 15-23

REMOTE MONITORING CONTROL

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that Siewert Equipment is authorized as a sole source supplier for equipment and systems for remote monitoring of sewer system infrastructure.

FURTHER, BE IT RESOLVED, that an expenditure of \$3,697.64 for remote monitoring systems from Siewert Equipment is authorized. This resolution shall take effect immediately.

Pendleton Station Market Vendor Rates

This agenda item was tabled until the Work Session on January 23, 2023.

RESOLUTION 16-23

PART-TIME SEASONAL HELP – PENDLETON STATION MARKET

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Town of Pendleton relies on the time, efforts, and dedication of many individuals through each individual's appointment to various boards, committees, and other positions; and

WHEREAS, the residents of the Town of Pendleton enjoy and benefit from activities which provide essential services to the general public; and

WHEREAS, the Town of Pendleton farmers market, called the Pendleton Station Market, was restarted during the 2021 season and experienced great community interest and support; and

WHEREAS, the Pendleton Station Market continues operations during the 2023 season and successful operation of this endeavor is reliant upon the dedication and efforts of those who coordinate and implement plans for the Pendleton Station Market; and

WHEREAS, appropriate compensation is due to the individual with lead responsibility for all-aspects of the operation of the Pendleton Station Market.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that Marissa Wroblewski is appointed to the part-time position of Seasonal Help - Clerical and shall be compensated at a rate of \$150.00 per week, with a total amount of compensation for 2023 not to exceed \$4,500.00. This resolution shall take effect immediately.

RESOLUTION 17-23

ADVERTISE FOR OPEN TRUCK DRIVER POSITION

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

WHEREAS, the Highway Department and Water & Sewer Department 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, one full-time Highway Department position will potentially be open due to a resignation; and

WHEREAS, the Highway Superintendent has requested authorization to advertise for this open position.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that the Town Supervisor is authorized to create a posting for the anticipated opening that may include truck driver or mechanical equipment operator. Furthermore, the Town Clerk is authorized to publicly advertise this opening. This resolution shall take effect immediately.

RESOLUTION 18-23

INTRODUCTION OF LOCAL LAW NO. XX – AMENDMENT OF TOWN CODE

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

WHEREAS, the Town Board of the Town of Pendleton proposes to amend the Town of Pendleton Town Code (“Town Code”) to comply with updates to the New York State regulations providing minimum standards for enforcement of building codes (19 NYCRR Part 1203);

WHEREAS, pursuant to the Municipal Home Rule Law, a public hearing is required on the proposed Local Law; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, adoption of the proposed Local Law is a Type I Action requiring environmental review, and the Town Board, acting as Lead Agency, has prepared a Full Environmental Assessment Form (“FEAF”) Part 1 that will be considered as part of such review;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Pendleton that:

1. The attached proposed Local Law XX of 2023 amending the Town Code is hereby introduced.
2. A public hearing for the proposed Local Law is hereby set for 6:55 p.m. on February 13, 2023.
3. The Town Clerk is directed to provide notice of the public hearing as required by law.
4. The Town Clerk is also directed to refer the proposed Local Law to the Niagara County Planning Board in accordance with General Municipal Law § 239-m.
5. This resolution is effective immediately.

PASSED AND ADOPTED this 9th day of January, 2023 by the Town Board of the Town of Pendleton.

RESOLUTION 19-23

VARIOUS PUBLIC WORKS REPAIRS

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that the following invoices for repairs related to public works operations are approved:

- A) Regional Heavy Equipment - \$2,454.74.
- B) Amherst Radiator Auto & Repair - \$3,325.00.
- C) Fluid Kinetics - \$6,130.08.

This resolution shall take effect immediately.

RESOLUTION 20-23

EMERGENCY INFRASTRUCTURE REPAIRS

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the residents and property owners of the Town of Pendleton rely on reliable and continuous access to potable water provided by infrastructure owned and maintained by the Town; and

WHEREAS, any water system failure is a potential threat to the Town and identification and repair of any system failure is a priority of the Water & Sewer Department; and

WHEREAS, the Water & Sewer Department is not capable of solely addressing all system failures due to site conditions and equipment required to address a specific repair; and

WHEREAS, the Water & Sewer Department was tasked with two separate water system repairs that required specialized assistance for these repairs.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that water systems failures occurring on September 7, 2022 and September 16, 2022 are declared as emergencies, requiring specialized assistance due to the conditions present and equipment required for the work.

FURTHER, BE IT RESOLVED, that the emergency expenditure of \$3,498.00 as charged by Mark Cerrone, Inc. is approved.

FURTHER, BE IT RESOLVED, that the emergency expenditure of \$4,066.50 as charged by Mark Cerrone, Inc. is approved. This resolution shall take effect immediately.

A motion was made by Councilman Leible and seconded by Councilman Lombardo to approve the compensation resolution as it was posted online. This action was rescinded so revisions could be made. A new motion followed.

RESOLUTION 21-23

COMPENSATION

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Town of Pendleton relies on the time, efforts, and dedication of many individuals through each individual's appointment to various boards, committees, and other positions; and

WHEREAS, the Town Board of the Town of Pendleton approved a budget for 2023 on November 9, 2022; and

WHEREAS, the approved 2023 budget includes appropriations for compensation of all individuals appointed to various boards, committees, and other positions.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that the following rates of compensation are established for 2023 as follows:

- A) Planning Board members shall be compensated at the rate of \$2,352.60 per member annually.
- B) Planning Board Chairman shall be compensated at the rate of \$5,120.00 annually.
- C) Planning Board Administrative Assistant shall be compensated at the rate of \$14,730.00 annually.
- D) Planning Board Recording Secretary shall be compensated at the rate of \$2,206.00 annually.
- E) Zoning Board of Appeals members shall be compensated at the rate of \$1,255.78 per member annually.
- F) Conservation Board members shall be compensated at the rate of \$50.00 per meeting per member.
- G) Board of Assessment Review members shall be compensated at the rate of \$464.00 per member annually.
- H) Board of Assessment Review Chairperson shall be compensated at the rate of \$335.00 annually in addition to the base rate of pay for Board members.
- I) 1st Deputy Town Clerk shall be compensated at the rate of \$20.37 per hour.
- J) 2nd Deputy Town Clerk shall be compensated at the rate of \$17.96 per hour.
- K) 3rd Deputy Town Clerk shall be compensated at the rate of \$17.96 per hour.
- L) IT Coordinator shall be compensated at the rate of \$11,783.00 annually.
- M) Supervisor's Secretary shall be compensated at the rate of \$19,759.95 annually.
- N) Justice's Clerks shall be compensated at the rate of \$20.98 per hour.
- O) Constables shall be compensated at the rate of \$20.00 per hour.
- P) Sewer & Water Clerk shall be compensated at the rate of \$22.85 per hour.
- Q) Cleaner - Town Hall shall be compensated at the rate of \$17.00 per hour.
- R) Full-time Building Inspector & Code Enforcement Officer shall be compensated at the rate of \$68,611.20 annually.
- S) Part-time Building Inspector & Code Enforcement Officer shall be compensated at the rate of \$29.93 per hour.
- T) Stormwater Management Coordinator shall be compensated at the rate of \$2,692.00 annually.
- U) Assessment Supervisor shall be compensated at the rate of \$2,255.00 annually.
- V) Part-time Personnel Records Clerk shall be compensated at the rate of \$1,995.00 per month.

- W) Part-time Public Works Clerical with more than two years of service shall be compensated at the rate of \$17.96 per hour.
- X) Part-time Public Works Clerical with less than two years of service shall be compensated at the rate of \$16.89 per hour.
- Y) Part-time Recreation Director shall be compensated at the rate of \$7,395.00 annually.

BE IT FURTHER RESOLVED, that this resolution shall be effective as of January 1, 2023.

RESOLUTION 22-23

ACCEPT RESIGNATION

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
 Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to accept the resignation of Zoning Board of Appeals member Wolfgang Buechler effective immediately.

RESOLUTION 23-23

APPOINTMENT TO OPEN TOWN BOARD POSITION

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo
 Nays 0

WHEREAS, in accordance with New York Consolidated Laws, Town Laws, Article 4, Section 60, the Town Board of the Town of Pendleton is composed of the supervisor and council members; and

WHEREAS, at the November 9, 2022 meeting of the Town Board of the Town of Pendleton, a vacancy was created by the acceptance of the resignation of a Town Board incumbent; and

WHEREAS, New York Consolidated Laws, Town Laws, Article 4, Section 64 states: *Whenever a vacancy shall occur or exist in any town office, the town board or a majority of the members thereof, may appoint a qualified person to fill the vacancy;* and

WHEREAS, New York Consolidated Laws, Town Laws, Article 4, Section 64 further states: *If the appointment be made to fill a vacancy in an elective office, the person so appointed shall hold office until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled;* and

WHEREAS, to ensure proper and efficient operation of all aspects of Town of Pendleton government, it is in the best interest of all to appoint an individual to the current Town Board vacancy; and

WHEREAS, a well-qualified applicant, who has a long history of professional and volunteer public service, has communicated his desire to serve as a member of the Town Board under the conditions stipulated by New York Town Law.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023 that Wolfgang Buechler is appointed to the vacant Town Board position, with a term of office expiring on December 31, 2023. This resolution shall take effect immediately.

RESOLUTION 24-23

NEW WENDELVILLE MEMBER

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to accept Brogan Porter as a new member of the Wendelville Fire Company.

RESOLUTION 25-23

ADVERTISE FOR WINTER RECREATION POSITION

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to authorize the Town Clerk to advertise for a part-time seasonal employee for the Winter Recreation Program.

Motion by Councilman Leible, seconded by Councilman Hickman, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor, and Town Engineer to discuss litigation at 8:31 p.m.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Executive Session at 8:55 p.m. Motion carried.

Note that newly appointed Councilman, Wolfgang Buechler, joined the rest of the Town Board on the dais for the remainder of the meeting.

ORGANIZATION – FISCAL - AUTHORIZATIONS

RESOLUTION 26-23

OFFICIAL DEPOSITORY

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, that Evans Bank, headquartered in Hamburg, New York, is designated an authorized depository for 2023.

RESOLUTION 27-23

OFFICIAL TOWN NEWSPAPER

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to designate the Union Sun & Journal as the town's official newspaper.

RESOLUTION 28-23

PETTY CASH FUNDS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to establish the following petty cash funds: Town Clerk: \$250.00; Tax Collector: \$300.00; Water District: \$100.00; and Sewer District: \$100.00.

RESOLUTION 29-23

MEETING DATES

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to schedule the Regular Town Board Meetings for the second Monday of each month at 7:00 p.m.

RESOLUTION 30-23

PAYROLL

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to pay the following employees on a **bi-weekly** basis: Supervisor, Town Clerk, Assessor, Highway and Water/Sewer Superintendent, Highway, Water and Sewer Department personnel, Building Inspectors, Town Attorney, Supervisor's Secretary, general clerks, laborers, justice clerks, Planning Board Administrative Assistant, and Town Constables; **quarterly**: Town Justices, Councilmen, Dog Control Officer and Recreation Director; and **annually**: Planning Board, Zoning Board of Appeals, Conservation Advisory Council, Board of Assessment Review, Registrar of Vital Statistics, Budget Officer and Town Historian.

RESOLUTION 31-23

APPOINTMENT OF TOWN CONSTABLES

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to appoint Patrick Williams, George Julius, Kenneth Jonmaire, Kevin Locicero, Michael Kloch Jr., and Richard Cirrito as Constables until rescinded.

RESOLUTION 32-23

APPOINTMENT OF TOWN ENGINEER

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to reappoint Dave Britton of Nussbaumer and Clarke, Inc. as Town Engineer.

RESOLUTION 33-23

APPOINTMENT OF PLANNING BOARD MEMBER

Motion by Councilman Lombardo, seconded by Councilman Buechler, the following resolution was

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to appoint Michael Zimmerman to a seven-year term on the Planning Board.

RESOLUTION 34-23

APPOINTMENT OF CONSERVATION ADVISORY COUNCIL MEMBERS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to appoint Tobias Fronmuller, Jessica Glaser, and Andrew Harrison to a one-year term each on the Conservation Advisory Council.

Appointment of Zoning Board of Appeals Member

This agenda item was tabled until the Work Session on January 23, 2023.

RESOLUTION 35-23

APPOINTMENT OF ZONING BOARD OF APPEALS CHAIRPERSON

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to appoint Nicholas Graves as chairperson of the Zoning Board of Appeals.

RESOLUTION 36-23

APPOINTMENT OF BOARD/COMMITTEE CHAIRPERSONS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to re-appoint Joseph McCaffrey as chairperson of the Planning Board and Tobias Frommuller as chairperson of the Conservation Advisory Council.

RESOLUTION 37-23

APPOINTMENT OF PLANNING BOARD ADMINISTRATIVE AND SECRETARY

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to reappoint John Higgins as the Planning Board Administrative Assistant and Secretary.

RESOLUTION 38-23

APPOINTMENT OF TOWN PROSECUTORS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to reappoint Theodore Joerg and John Sansone as Town Prosecutors until rescinded.

RESOLUTION 39-23

APPOINTMENT OF REGISTRAR OF VITAL STATISTICS, RECORDS MANAGEMENT OFFICER AND INVESTIGATOR OF BINGO AND GAMES OF CHANCE

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to reappoint Town Clerk Deborah Maurer as Registrar of Vital Statistics, Records Management Officer, and Investigator of Bingo and Games of Chance.

RESOLUTION 40-23

APPOINTMENT OF DEPUTY TOWN CLERKS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to reappoint Noreen Lemma as First Deputy Town Clerk and reappoint Stephanie Chase and Kimberly Frey as additional Deputy Town Clerks.

RESOLUTION 41-23

APPOINTMENT OF DEPUTY REGISTRAR OF VITAL STATISTICS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to reappoint Noreen Lemma as Deputy Registrar of Vital Statistics.

RESOLUTION 42-23

APPOINTMENT OF DEPUTY TAX COLLECTOR

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to reappoint Noreen Lemma as Deputy Tax Collector.

RESOLUTION 43-23

APPOINTMENT OF DEPUTY HIGHWAY SUPERINTENDENT

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to reappoint Peter Bayer as Deputy Highway Superintendent.

RESOLUTION 44-23

APPOINTMENT OF STORMWATER MANAGEMENT OFFICER (SMO)

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to reappoint Building Inspector Ronald Diedrich as the Town's Stormwater Management Officer.

RESOLUTION 45-23

AUTHORIZATION FOR CODE ENFORCEMENT OFFICER TO PROCEED WITH ISSUING VIOLATIONS FOR NOT MAINTAINING GRASS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to authorize the Building Inspector/Code Enforcement Officer to proceed for the work to be done, with the expense to be assessed upon the affected properties, and the assessment constituting a lien and charged upon such properties providing that notice has been given, and no response or action was taken by the home owner to control brush, grass and/or weeds.

RESOLUTION 46-23

AUTHORIZATION FOR MILEAGE REIMBURSEMENT

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to authorize mileage reimbursement to be paid, as outlined in the Town's Vehicle Use Policy.

RESOLUTION 47-23

PROCUREMENT POLICY

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to reauthorize the Town's Procurement Policy.

RESOLUTION 48-23

CODE OF ETHICS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to renew the current Code of Ethics.

RESOLUTION 49-23

SEXUAL HARASSMENT POLICY

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to renew the current Sexual Harassment Policy.

RESOLUTION 50-23

WORKPLACE VIOLENCE POLICY

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to renew the current Workplace Violence Policy.

RESOLUTION 51-23

AUTHORIZATION FOR SUPERVISOR

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to authorize the Supervisor to invest surplus monies pursuant to Town Law, pay principal and interest on debts, pay utility and necessary bills prior to audit.

RESOLUTION 52-23

AUTHORIZE HIGHWAY SUPERINTENDENT

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to authorize the Highway Superintendent to purchase stone, fuel, oil, culvert pipe, etc., within budget, at County prices.

RESOLUTION 53-23

PURCHASE OF WATER FROM NIAGARA COUNTY

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

WHEREAS the Town of Pendleton Water Department provides water service to all properties located within the Town's borders; and

WHEREAS it is necessary for the Town of Pendleton to purchase water from the Niagara County Water District; and

WHEREAS invoices for the purchase of water from the Niagara County Water District may require approval by the Town Board per the Town's procurement policy adopted January 9, 2023;

NOW, THEREFORE, BE IT RESOLVED that the Water Superintendent or Deputy Water Superintendent may submit vouchers for payment of invoices for water purchased from the

Niagara County Water District without delay for approval of the Town Board for the 2023 budget year and such payment issued with the next payment cycle.

RESOLUTION 54-23

PURCHASE OF WATER FROM NEIGHBORING TOWNS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

WHEREAS the Town of Pendleton Water Department provides water service to all properties located within the Town's borders; and

WHEREAS it is necessary for the Town of Pendleton to purchase water from the Towns of Cambria, Lockport, and Wheatfield for water supply for select properties serviced by the Town; and

WHEREAS quarterly expenditures for the purchase of water from neighboring towns may require approval by the Town Board per the Town's procurement policy adopted January 9, 2023;

NOW, THEREFORE, BE IT RESOLVED that the Water Superintendent or Deputy Water Superintendent may submit vouchers for payment of invoices for water supplied by the Towns of Cambria, Lockport, and Wheatfield without delay for approval of the Town Board for the 2023 budget year and such payment issued with the next payment cycle.

RESOLUTION 55-23

PROCUREMENT OF ROAD SALT

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

WHEREAS winter road maintenance is an essential duty of the Town of Pendleton Highway Department; and

WHEREAS rock salt is an essential material used in the performance of winter road maintenance; and

WHEREAS the Town of Pendleton may procure rock salt from American Rock Salt Company LLC at a price set by the New York State Office of General Services – Procurement Services;

NOW, THEREFORE, BE IT RESOLVED that the Highway Department may procure during the 2023 budget year up to the estimated amount of 2640 tons of rock salt from American Rock Salt Company LLC at the price set by the New York State Office of General Services – Procurement Services.

RESOLUTION 56-23

ANNUAL MEMBERSHIPS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to authorize annual membership for the Town of Pendleton for the following:

- American Water Works Association (AWWA)
- Association of Public Historians of New York (APHNY)
- New York Planning Federation (NYPF)
- New York State Assessors Association (NYSAA)
- New York State Association of Magistrates Court Clerks (NYSAMCC)
- New York State Magistrates Association (NYSMA)
- New York State Association of Tax Receivers and Collectors (NYSATRC)
- New York State Association of Towns (NYSAT)
- New York State Association of Town Superintendents of Highways, Inc. (NYSATSOH)
- New York State Town Clerk's Association (NYSTCA)

- Niagara County Assessors Association (NCAA)
- Niagara County Association of Town Superintendents of Highways, Inc. (NCAOTSOH)
- Niagara County Municipal Clerks Association (NCMCA)
- Niagara County Supervisors Association (NCSA)

RESOLUTION 57-23

YEARLY AGREEMENTS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of January 2023, to authorize the Supervisor to sign the following yearly agreements:

- Wendelville Fire Company, Inc. – Town Contract
- Wendelville Fire Company, Inc. – Fuel Purchase
- Niagara Community Action Program (NIACAP)
- Niagara County SPCA
- Pivot Precision Corporation

BOARD MEMBERS DISCUSSION

Supervisor Maerten noted that the following meetings have been scheduled:

- Work Session - January 23rd at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

A resident thanked Supervisor Maerten and Building Inspector Diedrich for answering her questions during the meeting. She also thanked the Public Works Department for their hard work keeping the roads clear during the storm. She reminded the Town Board that she is still waiting for a response to her FOIL appeal.

Another resident asked when the 2022 budget transfers will be done. Supervisor Maerten stated that they will be taken care of at the January 23rd Work Session. She also asked why the Pendleton Station Market didn't have a Councilman assigned to it. Councilman Hickman stated that he will oversee it this year. Lastly, she stated that it is the Town Board's responsibility to appoint members to an Ethics Committee. Supervisor Maerten asked the Town Clerk to advertise for applicants on the website.

Lastly, newly appointed Zoning Board of Appeals Chairman, Nick Graves, congratulated Wolfgang on his appointment to the Town Board.

Motion by Councilman Leible, seconded by Councilman Hickman, to adjourn from the Regular Meeting at 9:21 p.m. Motion carried.

Deborah K. Maurer, Town Clerk