

**TOWN OF PENDLETON**  
**WORK SESSION**  
January 23, 2023

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 23<sup>rd</sup> day of January 2023 at 7:00 p.m. The meeting was open to the public.

Supervisor Maerten called the meeting to order at 7:11 p.m.

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

Also present:

- Deborah Maurer – Town Clerk
- Dave Fischer – Highway/Water & Sewer Superintendent
- Claude Joerg – Town Attorney
- Tom Valentine – Assessor
- Mark Walter – Deputy Supervisor
- Dave Britton – Town Engineer
- Tom Matuski – Budget Officer

There were three residents in attendance.

Approval of Meeting Minutes – January 9, 2023

This agenda item was postponed until the February 13, 2023 meeting.

**RESOLUTION 58-23**

**ABSTRACT #2 (2022)**

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

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023, to authorize payment of Voucher Abstract #2, Vouchers #22-01539 to #22-01569, for year ending 2022, to be paid on January 25, 2023:

General Fund	\$	416.12
Highway	\$	74,297.63
Sewer	\$	3,739.60
Water	\$	1,630.14
Total	\$	80,083.49

**RESOLUTION 59-23**

**ABSTRACT #2 (2023)**

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

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023, to authorize payment of Voucher Abstract #2, Vouchers #23-00001 to #23-00028, for year ending 2023, to be paid on January 25, 2023:

General Fund	\$	12,860.26
Highway	\$	5,630.39
Sewer	\$	1,466.18
Water	\$	553.81
Trust & Agency	\$	6,889.00
Total	\$	27,399.64

**RESOLUTION 60-23**

**FACILITIES USAGE AGREEMENT – PENDLETON LIONS CLUB**

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

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023, to approve the Facilities Usage Agreement for the Pendleton Lions Club for the year 2023.

RESOLUTION 61-23

**2022 BUDGET TRANSFERS**

Motion by Supervisor Maerten, seconded by Councilman Lombardo, the following resolution was

ADOPTED: Ayes 3 Maerten, Buechler, Lombardo

Nays 1 Leible

Absent 1 Hickman

**BE IT RESOLVED**, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023 that the following budget line transfers are authorized for the 2022 budget, as requested by the Budget Officer, and shall take effect immediately:

Budget Line Increased:	Transferred from:
A00-1355-100 – Assessor Personnel, \$20,337.48	A00-1710-400
A00-1355-200 – Assessors Fixed Assets, \$1,234.49	A00-1410-450
A00-1410-200 – Town Clerk - Fixed Assets, \$235.00	A00-1640-200
A00-1410-400 – Town Clerk Contractual, \$1,255.00	A00-1410-450
A00-1420-101 – Attorney Litigation, \$0.01	A00-1420-100
A00-1420-400 – Attorney Contractual Litigation, \$13,318.00	A00-1710-410
A00-1420-420 – Attorney Contractual Professional, \$11,557.00	A00-1710-400
A00-1440-400 – Engineer Contractual, \$31,920.00	A00-1440-419, \$7,228.00 A00-1440-421, \$22,252.00 A00-1440-410, \$2,440.00
A00-1440-413 – Engineer – General, \$4,905	A00-1440-421
A00-1620-120 – Town Hall Work, \$1,872.00	A00-1620-110
A00-1620-130 – IT Coordinator, \$4,400.00	A00-1620-110, \$3,049.00 A00-1410-450, \$1,351.00
A00-1620-400 – Town Hall Contractual, \$31,833.00	A00-1710-400 \$6,900.00 A00-1640-200, \$18,833.00 A00-1640-210, \$6,100.00
A00-1640-400 – Central Garage, \$2,647.00	A00-1640-100, \$1,647.00
A00-1660-400 – Central Storage Contractual, \$1,283.00	A00-1640-100
A00-1910-400 – Unallocated Insurance, \$9,182.00	A00-1710-400
A00-1989-100 – Business Develop. Personnel Service, \$1,000.00	A00-1989-410
A00-3310-400 – Traffic Control – Contractual, \$8,084.00	A00-3620-100
A00-3610-100 – Assessment Review, \$335.00	A00-3610-110
A00-3620-200 – Safety Inspections Fixed Assets, \$635.00	A00-1640-200
A00-5010-100 – Super. Highway Services, \$0.01	A00-5010-110
A00-7110-100 – Parks Personnel Services, \$1,904.00	A00-5010-400, \$1,000.00 A00-5182-400, \$904.00
A00-7110-450 – Parks Supplies, \$105.00	A00-3620-400
A00-7140-100 – Playgrounds & Rec Ctr. Personnel, \$6,915.00	A00-3620-100, \$6,671.00 A00-1670-450, \$244.00
A00-7110-400 – Playgrounds & Rec Ctr. Contractual, \$2,242.00	A00-1110-400

A00-7150-451 – CFA Construction Services, \$88,535.00	A00-7110-203, \$81,761.00 A00-7110-200, \$6,774.00
A00-7550-100 – Celebrations Personnel, \$187.00	A00-7180-100
A00-7550-400 – Celebrations Contractual, \$3,947.00	A00-7620-400
A00-8020-200 – Planning Board Fixed Assets, \$650.00	A00-7180-400
A00-8540-110 – Drainage Personnel Stormwater, \$0.04	A00-8540-450
A00-8540-400 – Drainage Contractual, \$24.00	A00-8540-450
A00-9030-800 – Social Security, \$6,765.00	A00-9010-800
A00-9050-800 – Unemployment Insurance, \$1,126.00	A00-9010-800
A00-9060-800 – Hospital, \$9,623.00	A00-8540-100
DA0-5110-100 – Maintenance of Roads Personnel, \$81,086.00	DA0-1990-400, \$30,000.00 DA0-5110-210, \$61,086.00
DA0-5110-400 – Maintenance of Roads Contractual, \$14,398.00	DA0-5110-451
DA0-5110-450 – Fuel, \$11,420.00	DA0-5110-451
DA0-5130-200 – Machinery Fixed Assets, \$81,559.00	DA0-9950-900, \$61,498.00 DA0-5148-110, \$20,061.00
DA0-5148-120 – Park Security, \$482.00	DA0-5142-100
DA0-5148-400 – Town Parks Contract. Security, \$533.00	DA0-5142-100
DA0-9060-800 – Hospital Medical \$15,863.00	DA0-9010-800
SFO-9010-800 – NYS Retirement, \$242.00	SSF0-9040-810
SR0-8160-400 – Refuse and Garbage - Contract., \$28,076.00	A00-8540-100, \$12,409.00 A00-9010-800, \$8,790.00 A00-7110-200, \$6,877.00
SS0-8110-110 – Personnel Services, \$0.08	SS0-8110-440
SS0-8110-410 – Office Supplies, \$1,128.00	SS0-8110-200
SS0-8120-100 – Sewage Personnel Services, \$22,337.00	SS0-8110-100, \$20,504.00 SS0-8120-410, \$1,833.00
SS0-8110-110 – Sewage - Fuel, \$1,147.00	SS0-8120-451
SS0-9030-800 – Social Security, \$1,043.00	SS0-9060-800
SW0-8310-100 – Water Admin. Personnel, \$2,388.00	SW0-8310-100
SW0-8310-430 – Water Admin. Pro. Fees, \$5,623.00	SW0-8310-410
SW0-8340-100 – Personnel, \$10,893.00	SW0-1990-400
SW0-8340-400 – Directional Boring, \$3,600.00	SW0-8340-430
SSW0-9030-800 – Social Security, \$1,043.00	SW0-9060-800

RESOLUTION 62-23

**WATER BILLING RATES FOR MUNICIPALITIES**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Town of Pendleton operates and maintains a water system for the distribution of water purchased from the Niagara County Water District, and

WHEREAS, the Town of Pendleton water system interconnects with the water systems operated by adjacent municipalities and, through these interconnections, provides water to these adjacent systems; and

WHEREAS, water supplied to other system operators is billed at the rate established by the Niagara County Water District.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023 that the Town of Pendleton Water & Sewer Department is directed to charge municipalities receiving water from the Town's system as follows:

Water rate as of January 1, 2023: \$1.00 per 1,000 gallons.

Water rate as of January 1, 2025: \$1.10 per 1,000 gallons.

Water rate as of January 1, 2027: \$1.20 per 1,000 gallons.

This resolution shall take effect immediately.

**RESOLUTION 63-23**

**WATER & SEWER EXPENDITURES**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023 that the purchase of water repair parts from Blair Supply for the amount of \$3,098.23 is approved.

This resolution shall take effect immediately.

Next, a motion was made by Councilman Leible and seconded by Councilman Lombardo to appoint Lee Daigler to a five-year term on the Zoning Board of Appeals (ZBA) and Kristopher Gregory to a one-year term on the ZBA. This motion failed as other Town Board members wished to have more time to evaluate the qualifications of other candidates for the open ZBA positions. A new motion was introduced as indicated below.

**RESOLUTION 64-23**

**ZONING BOARD OF APPEALS APPOINTMENTS**

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo

Nays 1 Buechler

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023, to appoint Lee Daigler to a five-year term on the Zoning Board of Appeals.

**RESOLUTION 65-23**

**RESCIND RESOLUTION 09-23 – MODIFICATION OF SEWER RATES**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023, to rescind Resolution 09-23, that was adopted on January 9, 2023.

**RESOLUTION 66-23**

**MODIFICATION OF SEWER RATES**

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

ADOPTED: Ayes 3 Maerten, Buechler, Lombardo

Nays 1 Leible

Absent 1 Hickman

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 23<sup>rd</sup> 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).

12,001 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.

This resolution shall take effect immediately.

#### RESOLUTION 67-23

#### **NATURAL HAZARD MITIGATION PLAN**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Town of Pendleton, with the assistance from Niagara County Department of Emergency Services, has gathered information and prepared the 2022 Niagara County Hazard Mitigation Plan; and

WHEREAS, the 2022 Niagara County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Pendleton is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Pendleton has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023 that the 2022 Niagara County Hazard Mitigation Plan is adopted as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan. This resolution shall take effect immediately.

Next, Assessor Valentine and Town Attorney Joerg provided the Board with information regarding two local laws that were adopted by the Niagara County Legislature regarding real property tax exemptions for persons sixty-five years of age or over and for persons with disabilities and limited incomes. Assessor Valentine recommended that the Town consider adopting the same qualifications for local exemptions. Attorney Joerg will prepare the local laws to be presented by public hearing at the February 13, 2023 meeting.

#### Schedule Public Hearing – Repeal Local Law No. 01-2017

It was determined at the meeting that this agenda item was not required.

#### RESOLUTION 68-23

#### **SCHEDULE PUBLIC HEARING – DISABILITY EXEMPTION**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023, to schedule a public hearing on February 13, 2023 at 6:50 p.m., for the purpose of introducing a local law to establish a real property tax exemption for persons with disabilities and limited incomes in accordance with Section 459-c of the New York State Real Property Tax Law.

RESOLUTION 69-23

**SCHEDULE PUBLIC HEARING – SENIOR EXEMPTION – AMEND LOCAL LAW 01-2017**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 23<sup>rd</sup> day of January 2023, to schedule a public hearing on February 13, 2023 at 6:45 p.m., for the purpose of introducing a local law to amend Local Law No. 01 of 2017 regarding the real property tax exemption for persons sixty-five years of age or over.

Pendleton Station Market – 2023 Vendor Rates

A motion was made by Councilman Leible and seconded by Councilman Buechler to approve the 2023 Pendleton Station Market vendor fee rates as presented to the Town Board. This motion failed as other Town Board members wished to review the request further. This agenda item was tabled.

Motion by Councilman Leible, seconded by Councilman Lombardo, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor and Highway/Water & Sewer Superintendent to discuss contract negotiations at 7:46 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Executive Session at 8:37 p.m. Motion carried.

A discussion between the Board members ensued after the Executive Session. Supervisor Maerten reported that a meeting was held earlier in the day with the president of Mason’s Mission, Engineer Britton, Highway/Water & Sewer Superintendent Fischer, and Deputy Highway Superintendent Bayer, to discuss the installation of the splash pad. He spoke briefly about putting the construction of the new Community Center out to bid and the paving of the Town Hall parking lot.

Councilman Buechler reported that he attended the recent Recreation Committee meeting and mentioned they are disappointed that the new Community Center won’t be used for athletic events. Supervisor Maerten mentioned that this option was researched years ago while creating the plans for the new center and it was just not affordable for the town to include that space.

Supervisor Maerten stated that the next meeting of the Board will be the Regular Meeting which is scheduled for February 13, 2023 at 7:00 p.m. noting that there will also be three Public Hearings beginning at 6:45 p.m.

The floor was then opened up for public comments. One resident questioned the budget transfer from DA0-9950-900 stating that the budget line doesn’t exist. Supervisor Maerten said that he would check into it and get back to her. Another resident, who had provided a list of questions to the Board, commented on specific budget line transfers and asked for an explanation of how the transfer process works.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Work Session at 8:50 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk