

**TOWN OF PENDLETON
REGULAR MEETING
March 13, 2023**

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 13th day of March 2023 at 7:00 p.m.

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

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

Roll Call:

Supervisor Maerten	Present
Councilman Buechler	Present
Councilman Hickman	Absent
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
Ron Diedrich – Building Inspector/Code Enforcement Officer
Tom Valentine – Assessor
Mark Walter – Deputy Town Supervisor
Darryl Kroening – Niagara County Deputy Sheriff - Pendleton

There were eight residents in attendance.

ADDITIONS OR DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Add - Fireworks

COMMUNICATIONS

Mrs. Maurer reported that correspondence was received from resident, Mrs. Annmarie Reeb, containing questions to the Town Board regarding the Pendleton Station Market, the documents that are posted online prior to the meeting and the proposed Recreation Department positions. Another resident, Mr. Edward Harman, also submitted correspondence to the Board asking for clarification of the use of General Fund to pay appropriations to other funds. The correspondence was forwarded to the Board and placed in the communications binder. Lastly, Mrs. Maurer stated that the Town Hall will be closed on Friday, April 7th, in observance of Good Friday.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident commented on the proposed resolution for the Request for Niagara County Grant Funding asking how it is considered to be for “business promotion activities”. Supervisor Maerten asked Mr. James Sobczyk, from the Pendleton Community & Business Association to respond to this question. Mr. Sobczyk stated that the matching grant, which he is hoping to receive is from the William G. Mayne, Jr. Business/Community Enhancement Program, is intended for the restoration of the buoy boat that the town has already committed to receiving. He explained that it will promote the historical aspect of our town, which is a canal community. This boat will symbolize the transportation of goods and services, highlighting the importance of the canal system for the establishment of the Town of Pendleton and how the businesses succeeded because of the canal. He also noted that the money is to be used to transport the boat and restore its condition.

Another resident reiterated that she had questions about the Pendleton Station Market, as noted above under Communications, as well as questions about the voucher abstract process and posting of vouchers to be paid.

ROUTINE BUSINESS

RESOLUTION 98-23

APPROVE MEETING MINUTES

Motion by Councilman Leible, 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 13th day of March 2023, that the revised meeting minutes for the Regular Meeting held on February 13, 2023, and the meeting minutes for the Work Session held on February 27, 2023, are approved as presented by Town Clerk Maurer.

RESOLUTION 99-23

ABSTRACT #4

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 13th day of March 2023, to authorize payment of Voucher Abstract #4, Vouchers #23-00030, #23-00031, #23-00072 and #23-00126 to #23-00183 which was paid on March 1, 2023 as follows:

General Fund	\$	27,852.62
Highway	\$	19,929.87
Refuse	\$	15,576.74
Sewer	\$	10,859.71
Water	\$	2,958.29
Trust & Agency	\$	1,724.00
Total	\$	78,901.23

RESOLUTION 100-23

ABSTRACT #5

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 13th day of March 2023, to authorize payment of Voucher Abstract #5, Vouchers #23-00184, #23-00239, to be paid on March 15, 2023 as follows:

General Fund	\$	106,527.42
Highway	\$	35,593.51
Refuse	\$	48,764.25
Sewer	\$	2,036.20
Water	\$	2,967.70
Trust & Agency	\$	2,932.00
Total	\$	198,821.08

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for January 2023 was \$203,623.12. This is an increase of \$29,718.43 when compared with January 2022. The total tax collected for 2023 is \$203,623.12 which is an increase of \$29,718.43 from 2022.

Councilman Leible mentioned that he had recently spoken to Lieutenant Ronald Steen from the Niagara County Sheriff's Department asking if the mounted division can use the bike bath for training. There were no objections from the Town Board.

Councilman Lombardo had nothing new to report.

Councilman Buechler reported that he is back to square one with finding volunteers for the Board of Ethics. He has not been able to get any volunteers to commit to joining this board.

Attorney Joerg had nothing to report.

Engineer Britton reported that the bids for the Town Park Improvements project are due by April 12th, and the park water and sewer utility improvements are expected to begin around April 17th.

DEPARTMENT HEADS

Town Clerk Maurer reported that the Assessor, Building/Code Enforcement Department, Town Clerk, Tax Collector, and Water & Sewer Collection monthly reports were received and posted online with the meeting agenda. She stated 94% of the taxes have been collected so far and the appropriate disbursements have been made to the Town Supervisor and the Niagara County Treasurer's Office. She also responded to a resident's question about posting the vouchers online stating that there were too many pages to scan and post but that all of these documents can be viewed per the Freedom of Information Law. Mrs. Maurer also mentioned that the Town Hall recently participated in the Niagara Hospice Spring Bouquet Sale last week and sold 42 bouquets.

Highway and Water/Sewer Superintendent Fischer stated that, in February, the Department of Public Works cleaned ditches on Dunnigan, Donner and Aiken roads, replaced driveway culverts on Dunnigan and Donner roads, and unplugged a culvert on Dunnigan Road. They also plowed and salted roads as needed, replaced plow stakes, repaired mailboxes and performed regular maintenance on equipment and trucks.

Building Inspector Diedrich had nothing to report.

Assessor Valentine reported that during the month of February the Assessor's office processed January property transfers and continued to update system files with corrections, property changes and improvements. He also stated that the office received a large volume of exemption applications and completed the project of updating the New York State IVP system. Mr. Valentine also reported on the monthly sales and property transfers for the month of February.

NEW BUSINESS

RESOLUTION 101-23

PENDLETON STATION MARKET – FEE WAIVERS

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 a Farmers Market, formally 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's fees for these be waived for these vendors.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13th day of March 2023, that the vendors fee for the following vendors is waived for 2023:

- A) Diamonds in the Ruff: Animal Rescue
- B) Kester's Farm: Animal Rescue
- C) Niagara Down Under, Inc.: Animal Rescue

This resolution shall take effect immediately.

RESOLUTION 102-23

ADVERTISE FOR SUMMER RECREATION POSITIONS

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 13th day of March 2023, that the Town Clerk is authorized to advertise for the following Summer Recreation Program positions:

- A) Swimming Pool Director
- B) Lifeguard
- C) Recreation Leader
- D) Assistant Recreation Director

This resolution shall take effect immediately.

RESOLUTION 103-23

SURPLUS OBSOLETE EQUIPMENT - PRINTER

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 13th day of March 2023, to declare as surplus one HP LaserJet 1320 from the Town Clerk's Office.

RESOLUTION 104-23

APPROVE FACILITIES USAGE AGREEMENTS

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 13th day of March 2023, to approve the Facilities Usage Agreements for the following organizations, pending approved insurance:

- A) 716 Patriots
- B) Sandlot Saints 16U Softball
- C) USSSA Pride Softball
- D) Revenge Softball League

Town Sponsored Baseball/Softball/T-Ball

Candace Black, from the town's Recreation Committee, addressed the Town Board to report on her proposal for the 2023 town sponsored baseball/softball/t-ball league. She stated that she has conducted a lot of research and has been working with the Town of Wheatfield's Recreation Director to come up with this proposal. A lengthy discussion occurred regarding the proposal related to the anticipated cost to residents and non-residents, what is included for that price, how the registration will take place and who will be responsible for coordinating the teams. Many questions were asked by the Board and it was decided that the Town Board would hold a special meeting on Thursday, March 16, 2023, to vote on the proposal. This would give Ms. Black time to provide additional details to the Board.

RESOLUTION 105-23

DPW SEASONAL HELP – CRAIG WALTER

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 this 13th day of March

and a Regular Board Meeting is scheduled for April 10, 2023 at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

A resident, who spoke earlier about posting the vouchers, asked if there was a list of vouchers that could be posted. Town Clerk Maurer responded that she will start posting the Voucher Abstract in the future which will list all vouchers to be paid.

Another resident spoke about the Town of Amherst's comprehensive waterfront development plan for Tonawanda Creek and Ellicott Creek for recreational and environmental areas and also identified joint opportunities for Nine Mile Island. He noted that these types of comprehensive plans can allow for higher grant opportunities and recommends that the Town of Pendleton review its Town and waterfront comprehensive plans to see how they can be updated.

Next, Mr. Greg Metzger, from the Pendleton Veterans Association (PVA), spoke about the Hometown Heroes project which they have been working on. Town Clerk Maurer had previously provided the PVA with a list of questions from the Town Board, for which Mr. Metzger provided answers. A discussion ensued and many details were provided by Mr. Metzger. Supervisor Maerten stated that he will have a resolution prepared for the April 10th Regular Meeting, which will allow the PVA to move forward with this project.

Motion by Councilman Leible, seconded by Councilman Buechler, to enter into an Executive Session with the Town Attorney and the Deputy Town Supervisor to discuss Contract Negotiations at 8:06 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Buechler, to adjourn from the Executive Session and Regular Meeting at 8:41 p.m. Motion carried.

Deborah Maurer, Town Clerk