

**TOWN OF PENDLETON
REGULAR MEETING
April 10, 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 10th day of April 2023 at 7:00 p.m.

Supervisor Maerten called the meeting to order at 7:04 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
Mark Walter – Deputy Town Supervisor

There were 13 residents in attendance, three of which were Starpoint students.

ADDITIONS OR DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Add – Appointment to Recreation Committee
- Add – New Wendelville Fire Company Member

COMMUNICATIONS

Town Clerk Maurer reported that email correspondence was received from Mr. Mike Zimmerman, Board Chairman of Nine Mile Island Youth Camp, regarding a certified letter he received from the Town Attorney. The correspondence has been filed in the communications binder.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident commented on the proposed contract for the July 4th fireworks stating that she did not understand why the vendor was changed from the March 13, 2023 approved resolution.

ROUTINE BUSINESS

RESOLUTION 110-23

APPROVE MEETING MINUTES – MARCH 13, 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 10th day of April 2023, that the meeting minutes for the Regular Meeting held on March 13, 2023 are approved as presented by Town Clerk Maurer.

RESOLUTION 111-23

APPROVE MEETING MINUTES – MARCH 16, 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 10th day of April 2023, that the meeting minutes for the Special Meeting held on March 16, 2023 are approved as presented by Town Clerk Maurer.

RESOLUTION 112-23

ABSTRACT #6

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 10th day of April 2023, to authorize payment of Voucher Abstract #6, Vouchers #23-00183 and #23-00240 to #23-00281, which were paid on March 29, 2023 as follows:

General Fund	\$	34,877.71
Highway	\$	27,979.20
Fire District	\$	7,332.00
Sewer	\$	21.59
Water	\$	8,401.98
Total	\$	78,612.48

RESOLUTION 113-23

ABSTRACT #7

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 10th day of April 2023, to authorize payment of Voucher Abstract #7, Vouchers #23-00283 to #23-0031, to be paid on April 10, 2023 as follows:

General Fund	\$	23,285.98
Highway	\$	1,524.01
Sewer	\$	2,020.40
Water	\$	7,519.76
Total	\$	34,350.15

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for February 2023 was \$177,854.11. This is an increase of \$64,074.58 when compared with February 2022. The total tax collected for 2023 is \$381,477.23 which is an increase of \$144,589.00 from 2022.

Councilman Leible stated that he received a call from Joe Hebler requesting that Main Road be closed for their annual event. Councilman Leible said that he will report back with the date and details of the event for approval at the next meeting. He also thanked the Wendelville Fire Company for the great job they did on the Easter Egg Hunt.

Councilman Lombardo had nothing to report.

Councilman Buechler had nothing to report.

Attorney Joerg reported that he was happy to announce that litigation for the Fisk Road project has been resolved. He noted that the case against the Town of Pendleton was eventually dismissed by the Supreme Court of the State of New York's Appellate Division. He thanked Engineer Britton for his assistance with this matter.

Engineer Britton reported that the bid opening for the Community Center Project is Wednesday, April 12th at 10:00 a.m. He will provide a recommendation to the Board as soon as the bids are reviewed.

DEPARTMENT HEADS

Town Clerk Maurer reported that the Assessor, Engineer, Highway Department, Water & Sewer Department, Town Clerk, Tax Collector, and Water & Sewer Collection monthly reports were received and posted online with the meeting agenda. She stated tax collection in the Town is now over and 97% of the taxes were collected. Mrs. Maurer also reported that she is working on a new online registration form for the 2023 Summer Recreation Program with the intention of it being launched by May 1st. Lastly, she reported that the town's ball program registration period is now closed and indicated that some of the families will need to be reimbursed because there weren't enough children registered in the older age group to form a team.

Highway and Water/Sewer Superintendent Fischer reported that in March, the Highway Department began repairing damage that was caused by the snowplows as well as salting and plowing the roads as needed. They have also been cleaning out ditches on Donner Road, Aiken Road, and Dunnigan Road to help with flooding. The Highway Department assisted Titan Construction with the installation of the splash pad by delivering stone to bring up the grade and plumbing inside the building. They have also been removing fallen trees along the bike path.

Building Inspector Diedrich reported that during the month of March his department issued 26 building permits and 21 contractor licenses. He stated that 20 building permits have been completed and 32 visual inspections were conducted. Mr. Diedrich mentioned that the fire inspections are going very well; he stated that members of the Wendelville Fire Company are traveling with him on these inspections and that the building owners have been very receptive. He also reported that all 50 houses intended for Brauer Drive have now been sold.

NEW BUSINESS

RESOLUTION 114-23

HONOR TOWN RESIDENT – PETER DAWES

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

Nays 0

Absent 1

Hickman

WHEREAS, the Town of Pendleton is a great community with hardworking and dedicated residents and families; and

WHEREAS, providing recreational opportunities for residents and families is a priority of the Town Board and a benefit to all; and

WHEREAS, we rely on the energy, efforts, and dedication of our town's residents to promote recreational opportunities that improve our great town; and

WHEREAS, resident Peter Dawes took the lead to promote the use of the Town's newly built Bocce court, a sport that is enjoyed by many; and

WHEREAS, recently Mr. Dawes' passing was communicated to the Town Board and it is important to acknowledge and celebrate his contributions to the Town.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023 that Mr. Peter Dawes' contributions to the Town are acknowledged and celebrated; and

FURTHER, BE IT RESOLVED, that the placement of a placard adjacent to the Town of Pendleton's Bocce court, located in the Town Park, honoring Mr. Dawes' contributions to the Town is authorized. This resolution shall take effect immediately.

RESOLUTION 115-23

PLACEMENT OF HOMETOWN HEROES BANNERS

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 is a great town with residents dedicated to the good of their country and community; and

WHEREAS, the Pendleton Veterans Association is an organization of military veterans who work to support each other and their community; and

WHEREAS, the Hometown Heroes Banner Program is an endeavor that honors past and present members of the Armed Forces; and

WHEREAS, the Pendleton Veterans Association has requested permission to establish the Hometown Heroes Program in the Town of Pendleton, which will include the placement of banners on Town-owned property.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023 that the Pendleton Veterans Association is authorized to place Hometown Heroes banners in the Town Park in coordination with the Highway Superintendent.

FURTHER, BE IT RESOLVED, that the Highway Superintendent is authorized to use Town resources to assist with the placement of Hometown Heroes banners. This resolution shall take effect immediately.

RESOLUTION 116-23

FUNDING FOR EMERGENCY SERVICES

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

ADOPTED:	Ayes 4	Maerten, Buechler, Leible, Lombardo
	Nays 0	
	Absent 1	Hickman

WHEREAS, the Town of Pendleton relies on the dedicated volunteers of the Wendelville Fire Company, Inc. for fire, rescue, and emergency medical services; and

WHEREAS, the Wendelville Fire Company, Inc. relies on annual funding from the Town of Pendleton for costs associated with providing emergency services; and

WHEREAS, the Town Board of the Town of Pendleton adopted a budget for 2023 following a public hearing on November 9, 2023; and

WHEREAS, the approved 2023 budget includes an appropriation of funding for Wendelville Fire Company, Inc.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023 that the 2023 funding for Wendelville Fire Company, Inc. in the amount of \$407,136.00 is approved. This resolution shall take effect immediately.

RESOLUTION 117-23

APPOINTMENT OF WATER & SEWER DEPARTMENT LABORER

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

ADOPTED:	Ayes 4	Maerten, Buechler, Leible, Lombardo
	Nays 0	
	Absent 1	Hickman

WHEREAS, the Town Board of the Town of Pendleton authorized the posting of the open position of Laborer in the Water & Sewer Department by adoption of a resolution at the February 13, 2023 meeting; and

WHEREAS, this position was posted as directed by the Town Clerk; and

WHEREAS, multiple individuals did submit applications for this open position and interviews were conducted by the Highway Superintendent; and

WHEREAS, a recommendation for appointment to the open position of Laborer was communicated to the Town Board by the Highway Superintendent.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023 that Timothy Kroening is appointed to the position of Laborer, reporting to the Water & Sewer Department, compensated at Step 1 of the current Collective Bargaining Agreement. This resolution shall take effect immediately.

RESOLUTION 118-23

STARPOINT CENTRAL SCHOOL DISTRICT AGREEMENT

Motion by Councilman Lombardo, 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 operates various recreation programs for resident and non-resident families; and

WHEREAS, the Town of Pendleton relies on the usage of Starpoint Central School District facilities as the site for some of these recreational programs; and

WHEREAS, the current agreement between the Town of Pendleton and the Starpoint School District expired on December 31, 2022; and

WHEREAS, a new agreement between both parties has been created and presented to the Town Board for review and approval.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023 that agreement between the Town of Pendleton and Starpoint Central School District, as presented to the Town Board, is approved. This resolution shall take effect immediately.

RESOLUTION 119-23

2023 RECREATION PROGRAM FEES

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo
 Nays 0
 Absent 1 Hickman

WHEREAS, the Town of Pendleton operates a summer recreation program for resident and nonresident families; and

WHEREAS, a participant fee is charged for registration for the summer recreation program; and

WHEREAS, a recommendation for resident and nonresident summer recreation fees has been communicated to the Town Board.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023, that the summer recreation program participation fee for residents is set at \$240.00 and \$495.00 for each nonresident. This resolution shall take effect immediately.

RESOLUTION 120-23

2023 RECREATION STAFF PAY RATES

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 summer recreation program for resident and nonresident families; and

WHEREAS, the summer recreation program operates with the assistance of various staff members; and

WHEREAS, at the March 13, 2023 meeting of the Town Board the posting of various position titles was authorized; and

WHEREAS, the Recreation Director has communicated to the Town Board a recommendation for pay rates for the summer recreation program positions that have been posted.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023 that the pay rates for multiple summer recreation program positions are established by title as follows:

- A) Swimming Pool Director: \$24.00 per hour.
- B) Lifeguard: \$16.00 per hour.
- C) Recreation Leader: \$15.00 per hour.
- D) Assistant Recreation Director: \$18.00 per hour.

FURTHER, BE IT RESOLVED, that it is acknowledged that the Recreation Director may recommend to the Town Board higher compensation rates than authorized here, based on specific applicant experience, and such requests will be considered at a future Town Board meeting. This resolution shall take effect immediately.

RESOLUTION 121-23

COMPENSATION RATE FOR SEASONAL LABORERS

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Town of Pendleton relies on the efforts of seasonal laborers, hired to assist the Highway Department with various summer maintenance activities; and

WHEREAS, at the March 13, 2023 meeting of the Town Board a resolution was passed approving the posting of the seasonal laborer positions and establishing the rate of compensation for these positions; and

WHEREAS, it is necessary to set the rate of compensation for each position based upon the duties of each specific position and also at an appropriate rate for recruitment of qualified applicants.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023 that the rate of compensation for seasonal laborers is set at \$15.00 per hour, superseding any previous resolutions addressing the rate of compensation for this position title. This resolution shall take effect immediately.

RESOLUTION 122-23

SURPLUS RECREATION EQUIPMENT

Motion by Councilman Buechler, 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 10th day of April 2023, that all baseball and softball helmets, a Coca-Cola cooler, a Frigidaire chest freezer, a Frigidaire stand up freezer, a Slush Puppy machine and two metal hose reels, are declared surplus and the Highway Superintendent is authorized to immediately discard these items as appropriate.

RESOLUTION 123-23

SURPLUS IT EQUIPMENT

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 10th day of April 2023, to declare three computer monitors (one CRT and two LCD) and one computer tower with the hard drive removed, as surplus.

RESOLUTION 124-23

CONTRACT FOR JULY 4TH FIREWORKS

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 has for many years celebrated Independence Day with a fireworks display; and

WHEREAS, multiple fireworks contractors were requested to provide proposals for the July 4, 2023 fireworks show; and

WHEREAS, at the March 13, 2023 meeting of the Town Board a resolution was passed authorizing the award of a contract for a fireworks display contingent upon approval of the Town Attorney; and

WHEREAS, further work related to the award of a contract was conducted subsequent to the passing of the March 13, 2023 resolution; and

WHEREAS, it is recommended to the Town Board that a new contract for the July 4, 2023 fireworks presentation be accepted pending approval of the Town Attorney.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023 that the resolution adopted on March 13, 2023 authorizing the award of a contract for the July 4, 2023 fireworks display is rescinded.

FURTHER, BE IT RESOLVED, that the contract for the July 4, 2023 fireworks display in the Town Park is awarded to Skylighters of New York LLC for \$18,750.00, pending final approval of the Town Attorney.

FURTHER, BE IT RESOLVED, the Town Supervisor is authorized to sign contracts for this authorized expense. This resolution shall take effect immediately.

Attorney Joerg addressed a question that was asked by a resident earlier in the meeting by explaining that the company on the previous contracts, Pyrotechnics, is out of Pennsylvania which could potentially cause problems with litigation should there be any incidents with the fireworks show. Historically, Mr. Claude has expressed his concern with this issue. It was decided that contracting with Skylighters could alleviate any concerns regarding this possibility. Councilman Leible also added that although he did not have the quote from Skylighters at the beginning of the meeting in March, it was actually in his email that same day.

RESOLUTION 125-23

TRANSFER OF FUNDS FOR FIREWORKS

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Town of Pendleton annual celebrates Independence Day with a fireworks display in the Town Park; and

WHEREAS, the 2023 approved Town of Pendleton budget includes an allocation of funds for the Independence Day celebration in the amount of \$15,000.00; and

WHEREAS, at the April 10, 2023 meeting of the Town Board a resolution was passed authorizing the award of a contract for a fireworks display in the amount of \$18,750.00; and

WHEREAS, a transfer of funds is necessary to properly account for the increase in cost above the amount in the adopted budget.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023 that a budget line transfer in the amount of \$3,750.00 from Special Items - Contingent Account (A1990.0400) to Celebrations - Celebrations Fireworks (A7550.0410) is approved. This resolution shall take effect immediately.

RESOLUTION 126-23

WAIVER OF FEE FOR FIREWORKS

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 10th day of April 2023, that any and all fees associated with the planned July 4, 2023 fireworks show in the Town Park are waived for the Town and its contractor. This resolution shall take effect immediately.

A brief discussion occurred regarding the fees associated with the July 4th fireworks. It was stated that the fees referenced in the above resolution pertain specifically to vendors that the Town is paying to provide a service for the event only.

RESOLUTION 127-23

PURCHASE OF CONDUIT

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 has multiple projects underway that involve improvements in the Town Park; and

WHEREAS, the Town relies on internet access for communication and security systems; and

WHEREAS, it is necessary to provide internet access to multiple locations in the Town Park through underground transmission lines, requiring the purchase of conduit for the placement of these transmission lines; and

WHEREAS, multiple quotes for purchase of the necessary conduit have been provided by the Highway Superintendent, as required by the adopted Procurement Policy.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of April 2023, that the lowest quote for 3-inch Schedule 40 PVC conduit from Green Mountain Supply, for a total cost of \$4,592.00, is accepted and approved for purchase. This resolution shall take effect immediately.

RESOLUTION 128-23

INVASIVE PEST PROGRAM

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 10th day of April 2023, that the Supervisor is authorized to sign a property access document from the United States Department of Agriculture (USDA). This document provides permission to the USDA to trap invasive pests, the European Cherry Fruit Fly (ECFF) and Box Tree Moth (BTM), on Town of Pendleton property. This resolution shall take effect immediately.

Advertise Request for Proposals

This agenda item was tabled until the next meeting.

RESOLUTION 129-23

APPOINT RECREATION COMMITTEE MEMBER

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 10th day of April 2023, that Yvonne Vivian, of Bear Ridge Road, be appointed to the Recreation Committee for a five-year term effective immediately.

RESOLUTION 130-23

WENDELVILLE FIRE COMPANY – NEW MEMBER

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 10th day of April 2023, to accept Andrew Moreland, of Townline Road, as a new member of the Wendelville Fire Company.

BOARD MEMBERS DISCUSSION

Supervisor Maerten stated that a Work Session is scheduled for April 24, 2023 at 7:00 p.m. and a Regular Board Meeting is scheduled for May 8, 2023 at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

Mr. Mike Zimmerman, Board Chairman of Nine Mile Island Youth Camp, addressed the Board by stating that he was very surprised to receive a letter from Attorney Joerg regarding shutting down Nine Mile Island. He mentioned his dissatisfaction with the way that the Board has handled this, especially because he has been in contact with the Town Supervisor, Building Inspector and Councilman Lombardo with what he thought were positive proposals to move forward with improving the situation. Supervisor Maerten proposed that he meets with Councilman Lombardo and him later this week to discuss this situation further.

A resident expressed that she was pleased with the Resolution honoring Mr. Peter Dawes, requested to see the quotes for the conduit, thanked the Town Clerk and Town Board for posting the current vouchers and stated that she will be submitting a FOIL request for the Nine Mile Island contract.

Another resident commented on the condition of Nine Mile Island and stated his concern that there is not a current contract in place.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Regular Meeting at 8:03 p.m. Motion carried.

Deborah Maurer, Town Clerk