# TOWN OF PENDLETON **REGULAR MEETING**

June 12, 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 12<sup>th</sup> day of June 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 Ron Diedrich – Building Inspector/Code Enforcement Officer

Tom Valentine – Town Assessor

Dave Britton – Town Engineer

Mark Walter – Deputy Town Supervisor

There were eight residents in attendance.

# AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Add #10 New Wendelville Fire Company Member
- Add #11 Executive Session

### **COMMUNICATIONS**

Town Clerk Maurer reported that a letter was received on May 30, 2023, from Councilman Eugene Cook, Town of Huntington, Suffolk County, regarding a resolution that was passed urging the NYS Legislature and Governor Hochul to draft and enact legislation regarding a voter's identification process. She also stated that a note was received on May 22, 2023 from a resident containing questions and comments on the Public Hearing held on the Local Law awarding the Purchase Contracts on the Basis of Best Value. The note was hand delivered to the Town Board at the recent Work Session. Lastly, Mrs. Maurer noted that two emails were delivered on May 22, 2023 to the Town Board. One email was regarding the Consolidated Funding Grant for the Community Center and the other contained questions about a FOIL request that was denied but not appealed. All of these items have been placed in the Communications Folder.

### PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

There were no public remarks or comments on agenda items.

### **ROUTINE BUSINESS**

#### **RESOLUTION 152-23**

# **APPROVE MEETING MINUTES – MAY 22, 2023**

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

ADOPTED: Maerten, Buechler, Leible, Lombardo Ayes 4

Nays 0

Absent 1 Hickman BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12<sup>th</sup> day of June 2023, that the meeting minutes for the Regular Meeting held on April 10, 2023 are approved as presented by Town Clerk Maurer.

#### **RESOLUTION 153-23**

### **ABSTRACT #11**

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 12<sup>th</sup> day of June 2023, to authorize payment of Voucher Abstract #11, Vouchers #23-00474 to #23-00528, to be paid on June 14, 2023 as follows:

General Fund		\$ 46,171.76
Highway		\$ 18,129.52
Refuse		\$ 8,747.70
Sewer		\$ 1,298.12
Water		\$ 2,165.82
Trust & Agency		\$ 784.00
	Total	\$ 77,296.92

### **OTHER REPORTS**

**Supervisor Maerten** reported that the sales tax collected for April 2023 was \$185,029.42. This is an increase of \$48,153.26 when compared with April 2022. The total tax collected to date for 2023 is \$783,901.10 which is an increase of \$231,554.51 from 2022.

**Councilman Leible** reported that there will be no additional activities at the July 4<sup>th</sup> celebration event this year other than the fireworks.

Councilmen Lombardo had nothing to report.

**Councilmen Buechler** informed the Board that the Length of Service Awards Program (LOSAP) audit for Wendelville Fire Company was completed for the period of January through April 2023.

Attorney Joerg had nothing to report.

**Engineer Britton** provided an update on the Campbell Boulevard waterline replacement stating that the Engineering Report has been finalized and the project has been listed on the NYSDEC Intended Use Plan (IUP) for potential funding from the New York State Clean Water State Revolving Fund (CWSRF). He said that the plans have already been completed and that he is working with Highway and Water/Sewer Superintendent Fischer on this "shovel-ready project".

### **DEPARTMENT HEADS**

Town Clerk Maurer provided an update, stating that the monthly reports from the Assessor, Engineer, Town Clerk, and Water & Sewer Collection have been received and posted online along with the meeting agenda. She also mentioned that her office had a busy month in May, primarily due to various activities. These activities included managing registrations for the Summer Recreation Program, processing Pendleton Station Market Vendor Permits, and launching the Pendleton Veterans Association (PVA) Hometown Heroes Banner Program. Town Clerk Maurer further informed that applications for the Hometown Heroes Banner Program can be accessed online, obtained from her office, or found at local businesses throughout the town. Applicants can submit their completed applications either in person or by mailing them to the Town Clerk's Office.

**Highway and Water/Sewer Superintendent Fischer** stated that his staff has been spending a lot of time working in the park and noted that he hopes to have the new splash pad open by the end of July. They have also been busy with mowing roadside ditches, preparing the ball diamonds, and filling potholes. Mr. Fischer also reported that a town-wide brush chipping event is scheduled to take place on Tuesday, June 20<sup>th</sup>, and Wednesday, June 21<sup>st</sup>.

# **Building Inspector Diedrich** had nothing to report.

Assessor Valentine provided a review stating that the Tentative Roll for the 2023/2024 tax year has been completed, and the Final Roll will be finalized by the end of this month. Mr. Valentine mentioned his participation in the annual Grievance Day with the Board of Assessment Review in May, which resulted in a few assessment modifications. He also highlighted the success of his office in reviewing and resolving STAR Program line items listed annually by NYS. The number of items requiring review has significantly decreased from 141 in 2022 to only 14 in 2023.

### **NEW BUSINESS**

Supervisor Maerten invited Drew Zimmerman, from Boy Scout Troop #47, to present his proposal for an Eagle Scout project. Mr. Zimmerman explained that he would like to create and install an informational wooden kiosk to be placed at the Pendleton Bike Trail at Townline and Killian Roads. He will be responsible for the construction and installation of the kiosk. Drew provided the Board with drawings of the kiosk. Information included at the kiosk will include a map of the trail, history of the railroad route and nearby Hoffman Station, as well as facts about the Bull Creek Watershed. He also stated that he will complete the landscaping near the kiosk and possibly install a bench. He is seeking the Town Board's approval to move forward with this project.

#### RESOLUTION 154-23

### EAGLE SCOUT PRESENTATION

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 12<sup>th</sup> day of June 2023, to approve the Eagle Scout project as presented by Drew Zimmerman.

### **RESOLUTION 155-23**

# SUMMER RECREATION SEASONAL EMPLOYEE APPOINTMENTS

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 plans and implements an annual summer recreation program for community youth; and

WHEREAS, the Town's summer recreation program is coordinated and managed by the Recreation Director, who is appointed by the Town Board; and

WHEREAS, the Recreation Director relies on the efforts of seasonal employees hired for multiple position titles to assist with all-aspects of the operation of the summer recreation program; and

WHEREAS, compensation rates for titles associated with the summer recreation program season appointments were approved by the Town Board at the April 10, 2023 meeting.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12<sup>th</sup> day of June 2023 that the following appointments for the Summer Recreation program are approved:

### **Assistant Recreation Director**

Elizabeth Morse

# **Recreation Leaders (Counselors)**

Lauren TalmaKatelyn HawkinsBrady HathawayMadison BeckmanJenna KanelGavin RussellEmilie VieauxJoseph MorseJada Bialik

Kylie FontanaLiam KeeltyConnor ChurchNorah MarrinerArden MoellerSkylar Balz

Tatum George Ella Churpita

## **Swimming Pool Director**

Carrie Ciraolo

Lifeguards

Diega Ciraolo Dominic Ciraolo Vincent Ciraolo Ashleigh Cottrell Aidan Hurley Hayden Schuler

Keaton Lemieux

This resolution shall take effect immediately.

#### **RESOLUTION 155-23**

#### DEDICATION OF PAVILION AT DEPEAU PARK

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 12th day of June 2023, that the Pendleton Lions Club is hereby authorized to dedicate the pavilion located in Depeau Park to Raymond "Ray" Beiter, in honor of his service to the Pendleton Community. This resolution shall take effect immediately.

#### **RESOLUTION 156-23**

# SEQR NEGATIVE DELCARATION - CAMPBELL BLVD. WATERLINE

Motion by Councilman Buechler, 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 is considering various improvements to correct water system deficiencies and improve overall system reliability and service to the Community; and

WHEREAS, the Town of Pendleton completed preliminary design and prepared an Engineering Report to identify potential alternatives to replace the waterline and services along Campbell Boulevard between Mapleton Road and Lockport Road; and

WHEREAS, the Town Board is seeking funding assistance under the New York State Cleanwater State Revolving Fund, and is therefore subject to environmental review obligations required to participate in the funding program; and

WHEREAS, pursuant to sections 617.5(c)(1), 617.5(c)(2) and 617.5(c)(6) under SEQR, this project is a Type 2 Action as it involves the maintenance, repair, and replacement in kind of existing infrastructure with no substantial change to the existing water distribution system.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of June 2023 that as a Type 2 action under SEQR, the project has been found categorically to not have significant adverse impacts on the environment and no further review under SEQR is required. This resolution shall take effect immediately.

# **RESOLUTION 157-23**

# PERMIT FEE WAIVERS – WENDELVILLE FIRE COMPANY

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 12<sup>th</sup> day of June 2023, that all permit fees related to the Wendelville Fire Company, Inc.'s application for a permit for

an accessory structure for the Fire Company's property located on Main Road are waived. This resolution shall take effect immediately.

#### **RESOLUTION 158-23**

# PERMIT FEE WAIVERS – PENDLETON STATION MARKET

Motion by Councilman Buechler, 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 12<sup>th</sup> day of June 2023, that the vendor permit fees for the Niagara County Department of Health and WNY Food 4 Paws is waived for the 2023 season. This resolution shall take effect immediately.

#### **RESOLUTION 159-23**

# APPROVAL OF FACILITIES USAGE AGREEMENT - EILMAR, INC.

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 requires organizations requesting the use of Town-owned property and facilities to submit a Facilities Usage Agreement with supporting documentation for approval; and

WHEREAS, all Facilities Usage Agreements are reviewed and approved by the Town Board prior to commencement of any activities by any organization; and

WHEREAS, a facilities Usage Agreement was submitted by Eilmar, Inc., DBA Four Seasons Child Care Center, for usage of the properties and facilities on Town property known as Nine Mile Island.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12<sup>th</sup> day of June 2023 that the Facilities Usage Agreement submitted by Eilmar, Inc. is accepted as detailed:

- 1) This approval is valid from June 12, 2023 through June 26, 2023.
- 2) Access to Nine Mile Island is for the purposes of maintenance, upkeep, and repair of the property and facilities stated in the Facilities Usage Agreement being used by the Eilmar, Inc. for a summer day camp.
- 3) All maintenance, upkeep, and repair of property and facilities will be at the expense of the applicant and the applicant shall take all responsibility for removal and disposal of debris and unwanted materials.
- 4) Eilmar, Inc. will maintain insurance during the duration of this agreement and any outside vendors and contractors will be permitted, as required, by the Town of Pendleton Building Department.
- 5) It is anticipated that Eilmar, Inc. will present a proposed contract to the Town of Pendleton for continued use of Nine Mile Island for potential approval at a future meeting of the Town Board.
- 6) The Town of Pendleton reserves the right to cancel this agreement at any time should there be issues or concerns related to any activities taking place.

This resolution shall take effect immediately.

# **RESOLUTION 160-23**

# APPROVAL OF FACILITIES USAGE AGREEMENT – BOY SCOUT TROOP 47

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 requires organizations requesting the use of Town-owned property and facilities to submit a Facilities Usage Agreement with supporting documentation for approval; and

WHEREAS, all Facilities Usage Agreements are reviewed and approved by the Town Board prior to commencement of any activities by any organization; and

WHEREAS, a Facilities Usage Agreement was submitted by Boy Scouts of America Troop 47 for usage of the properties on Town property known as Nine Mile Island.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12<sup>th</sup> day of June 2023 that the Facilities Usage Agreement submitted by Boy Scout Troop 47 is accepted as detailed:

- 1) This approval is valid from June 12, 2023 through November 15, 2023.
- 2) Allowable activities include overnight camping, hiking, water recreation, and general recreation pursuits.
- 3) The creation and use of campfires shall only be permitted in compliance with any and all applicable state and local regulations pertaining to such activity.
- 4) The applicant is responsible for maintaining insurance as prescribed by the Town during the entirety of the allowed usage of Town property.
- 5) Any necessary maintenance, upkeep, and repair of property and facilities used by the applicant will be at the expense of the applicant and the applicant shall take all responsibility for removal and disposal of debris and unwanted materials.
- 6) Acceptance of the submitted Facilities Usage Agreement is contingent upon approval of applicant's insurance by the Town's insurance representative, Town Attorney, and Supervisor.
- 7) All individuals using Town property under the approval of this Facilities Usage Agreement shall sign and submit a waiver of liability.
- 8) The Town of Pendleton reserves the right to cancel this agreement at any time should there be issues or concerns related to any activities taking place.

This resolution shall take effect immediately.

# **RESOLUTION 161-23**

# ESTABLISHMENT OF COMPENSATION

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Navs 0

Absent 1 Hickman

WHEREAS, the Town of Pendleton appoints three individuals to the Board of Assessment Review, including an individual who is appointed as the chairperson; and

WHEREAS, the annual budget of the Town of Pendleton includes compensation for each member of the Board of Assessment Review, with separate amounts budgeted for the chairperson and two additional members; and

WHEREAS, the Town Board passed a resolution at the January 9, 2023 reorganization meeting which establishes rates of compensation for multiple positions, including the members of the Board of Assessment Review; and

WHEREAS, the approved compensation resolution contained inaccurate information related to the membership of the Board of assessment review.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12<sup>th</sup> day of June 2023 that the chairperson of the Board of Assessment Review shall be compensated at the rate of \$352.00 annually and the two members shall be compensated at the rate of \$263.00 annually. This resolution shall take effect immediately.

### **RESOLUTION 162-23**

# **COMMUNITY CENTER CONSTRUCTION BIDS**

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 worked diligently to plan a new community center to be constructed in the Town Park; and

WHEREAS, the Town Board approved architectural services for this project by resolution at the January 11, 2021 meeting of the Town Board; and

WHEREAS, the Town Board approved engineering services for this project at the May 23, 2022 meeting of the Town Board; and

WHEREAS, the Town Board approved advertisement of bids for this project at the January 9, 2023 meeting of the Town Board; and

WHEREAS, all bids submitted for this project were opened on April 12, 2023 and the results were tabulated and reported to the Town Board by the Town Clerk; and

WHEREAS, the Town Engineer did review all submitted bids and recommends to the Town Board the acceptance of the low bids for each contract; and

WHEREAS, it is necessary and appropriate for the Town Board to accept these low bids and award contracts for the construction of the Community Center.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of June 2023 that the Town accepts the following bid(s), subject to a financing contingency relating to the issuance of debt by the Town, subject to review and approval by the Town Attorney:

Contract 21-049P - Plumbing Camtech Plumbing and Mechanical

Total Cost: \$250,000.00.

Contract 21-049E - Electrical CIR Electrical Construction Total Cost: \$398,150.00.

Contract 21-049H - Heating & Ventilation Parise Mechanical

Total Cost: \$149,000.00.

Contract 21-049G - General Sicoli Construction Services, Inc.

Total Cost: \$1,749,700.00.

FURTHER, BE IT RESOLVED, that the Town Supervisor is authorized to sign all contracts related to the award of contracts for the Community Center project. This resolution shall take effect immediately.

### **RESOLUTION 163-23**

# WENDELVILLE FIRE COMPANY – NEW MEMBER

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 12<sup>th</sup> day of June 2023, to accept Beau Lapp, from Tonawanda Creek Road, as a new member of the Wendelville Fire Company.

# **BOARD MEMBERS DISCUSSION**

Supervisor Maerten stated that a Work Session is scheduled for June 26, 2023 at 7:00 p.m. There is also Regular Board Meeting scheduled for July 10, 2023 at 7:00 p.m.

# PUBLIC REMARKS/COMMENTS

A resident presented the Board with a written list of five questions regarding the Bond Resolution for the Community Center Project and the additional funding to be used for it.

Motion by Councilman Leible, seconded by Councilman Lombardo, to enter into an Executive Session, with the Town Attorney, Deputy Town Supervisor, and the Highway/Water and Sewer Superintendent, to discuss contract negotiations at 7:40 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the
Executive Session and the Regular Meeting at 8:11p.m. Motion carried.

Deborah K. Maurer, Town Clerk