

TOWN OF PENDLETON
WORK SESSION
June 26, 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 26th day of June 2023 at 7:00 p.m. The meeting was open to the public.

Supervisor Maerten called the meeting to order at 7:07 p.m.

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

Also present:

- Deborah Maurer – Town Clerk
- Dave Fischer – Highway/Water & Sewer Superintendent
- Claude Joerg – Town Attorney
- Dave Britton – Town Engineer
- Mark Walter – Deputy Town Supervisor

There were six residents in attendance.

RESOLUTION 164-23

MEETING MINUTES – JUNE 12, 2023

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 26th day of June 2023, that the meeting minutes for the Regular Meeting held on June 12, 2023, are approved as presented by Town Clerk Maurer.

RESOLUTION 165-23

ABSTRACT #12

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 26th day of June 2023, to authorize payment of Voucher Abstract #12, Vouchers #23-00529 to #23-00588, to be paid on June 26, 2023 as follows:

General Fund	\$	150,715.86
Highway	\$	9,938.24
Refuse	\$	50,050.78
Sewer	\$	3,306.90
Water	\$	41.00
Total	\$	214,052.78

RESOLUTION 166-23

WAIVER OF PERMIT FEES FOR PENDLETON STATION MARKET

Motion by Councilman Hickman, 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 26th day of June 2023, that the vendor permit fees related to the Pendleton Station Market for all not-for-profit organizations participating for informational purposes are waived. This resolution shall be valid from the date passed through December 31, 2023. This resolution shall take effect immediately.

RESOLUTION 167-23

PORTABLE TOILETS

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

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

WHEREAS, each summer the Town of Pendleton arranges for the placement of portable toilets at various recreational areas in the Town for the convenience of the public; and

WHEREAS, multiple quotes were solicited for portable toilet services; and

WHEREAS, the following quotes were received for portable toilets:

Julie's Portable Toilets: \$2,880.00.
Onsite: \$4,458.00.
Modern Disposal Services: \$4,260.00.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 26th day of June 2023 that the quote provided by Julie's Portable Toilets is authorized for an expenditure not to exceed \$2,880.00. This resolution shall take effect immediately.

RESOLUTION 168-23

PURCHASE OF WATER METERS

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 26th day of June 2023 that water meters manufactured by Badger Meter are declared as a standardized item for use as a component of Town-owned water infrastructure; and

FURTHER, BE IT RESOLVED, that Moley Industries is recognized as the sole source provider of Badger water meters; and

FURTHER, BE IT RESOLVED, that the purchase of seven (7) - Badger water meters and nineteen (19) - Orion readers is authorized for a cost of \$6,194.40. This resolution shall take effect immediately.

Next, Supervisor Maerten presented a Facilities Usage Agreement (FUA) between the Town of Pendleton and Eilmar, Inc. D/B/A Four Seasons Child Care Center. He explained that a summer youth camp has operated for several years at the Nine Mile Island location. He said that this FUA would allow for the camp to continue using the site until August 26, 2023. Supervisor Maerten reported that the town's insurance agency has been working with Eilmar Inc. to ensure that all insurance requirements will be met. He also stated that the FUA has been reviewed by the Town Attorney.

Further discussion occurred regarding the status of the cleanup at Nine Mile Island with Councilman Lombardo providing a brief update on the condition of the property. Dialogue continued with representatives from Four Seasons Child Care Center and Town Attorney Joerg clarifying specific requirements listed in the FUA.

RESOLUTION 169-23

FACILITIES USAGE AGREEMENT - EILMAR

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 26th day of June 2023, that the agreement between the Town of Pendleton and Eilmar (D/B/A Four Seasons Childcare Center) is approved, pending acceptance of insurance provided by Eilmar; and

FURTHER BE IT RESOLVED, the Supervisor, in collaboration with the Town's insurance representative, is authorized to make a final determination of acceptance of the insurance provided by Eilmar. This resolution shall take effect immediately.

RESOLUTION 170-23

APPOINTMENT OF LABORER - WATER & SEWER DEPARTMENT

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

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

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, this position will once again be open due to the resignation of the previously appointed individual; 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 26th day of June 2023 that Benjamin Kalbfleisch 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 171-23

APPOINTMENT OF PARK ATTENDANT

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 26th day of June 2023, that Kate O'Conner is appointed to the seasonal position of Park Attendant, compensated at an hourly rate of \$15.00 per hour. This resolution shall take effect immediately.

RESOLUTION 172-23

APPOINT LIFEGUARD

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 26th day of June 2023, that Alec Kirk is appointed to the seasonal position of Lifeguard, compensated at an hourly rate of \$16.00 per hour. This resolution shall take effect immediately.

Next, Supervisor Maerten stated that the Town will need to replace grinder pumps at Pivot Precision on Campbell Boulevard. He noted that previous discussion about limiting the town's responsibility for commercial hookups began a few years ago. The discussion continued with the Town Engineer about changing the town's policy regarding maintenance of these hookups. Engineer Britton said that he will work with the Town Board on this issue. Supervisor Maerten also stated that a resolution for this particular pump replacement will be presented at July meeting.

Town Board Discussion – Proposed Recreation Position

Councilman Hickman began the discussion by explaining that he has been preparing the creation of a position within the Town that will encompass several different functions including oversight of recreation events, the community center, parks, facilities usage agreements, senior events, the farmer's market, etc. He has used multiple county job descriptions to create a draft of a position that might fit our needs here in Pendleton. He will forward this draft to the Board members for comment. The conversation continued with others commenting on the need to coordinate many of the functions of our recreational activities in the town. Councilman Hickman also reported that he is working on the landscaping and lawn maintenance request for proposals, the Parks Policy, and the Town Credit Card Policy.

Councilman Lombardo mentioned that he has not had any updates from Boy Scout Troop 47 regarding the insurance requirements for the tentatively approved FUA. He stated that he will reach out to them for more information.

Councilman Buechler spoke about the Eagle Scout project for the informational wooden kiosk which will be placed at the Pendleton Bike Trail. He suggested that the Town Board review the content of the kiosk before giving final approval. All agreed.

Councilman Hickman also provided an update to the Board about the first Pendleton Station Market held on June 11th, which he stated was very well attended and organized. He mentioned that several of the vendors sold out of their goods. Mr. Hickman also mentioned to Highway/Water & Sewer Superintendent Fischer that the market will need a few trashcans for the future events.

Work Session
June 26, 2023

Town Attorney Joerg spoke briefly about a Freedom of Information Law (FOIL) request regarding a motorcycle accident on S. Transit Road. He stated that most of the documents which were requested will have to be provided by Niagara County as it is a not a Town of Pendleton road.

Councilman Lombardo brought up a question regarding the Pendleton Station Market's website. Town Clerk Maurer asked the Town Attorney for clarification regarding the posting of information of market vendors on the website. She stated that she would follow up with the Town Attorney on this matter.

Motion by Councilman Hickman, seconded by Councilman Lombardo, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor and the Highway/Water & Sewer Superintendent, to discuss contract negotiations at 7:53 p.m. Motion carried.

Motion by Councilman Hickman, seconded by Councilman Buechler, to adjourn from the Executive Session and the Work Session at 8:44 p.m. Motion carried.

Deborah K. Maurer, Town Clerk