

**TOWN OF PENDLETON
REGULAR MEETING
September 11, 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 11th day of September 2023 at 7:00 p.m.

Supervisor Maerten called the meeting to order at 7:09 p.m.

Supervisor Maerten read the invocation and the salute to the flag. A moment of silence was observed to remember the lives lost on September 11, 2001, and to recognize the passing of Mr. Elmer Walter, former Town Clerk, longtime member of the fire company and lifetime resident of Pendleton, Mrs. Joan Lanternier, former Court Clerk and wife of retired Town Justice Donald Lanternier, and Mr. Gerald “Jerry” Farnham Jr. who was a former Town Board Member.

Roll Call:

Supervisor Maerten	Present
Councilman Buechler	Absent
Councilman Hickman	Absent
Councilman Leible	Present
Councilman Lombardo	Present

Also present:

Deborah Maurer - Town Clerk
Claude Joerg - Town Attorney
Dave Fischer - Highway/Water & Sewer Superintendent
Ron Diedrich - Building Inspector/Code Enforcement Officer
Mark Walter - Deputy Town Supervisor
Dave Britton - Town Engineer

There were 10 residents in attendance, four of which were Starpoint students.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Delete - Investment Policy
- Add - New Wendelville Fire Company Members
- Add - Executive Session

COMMUNICATIONS

Town Clerk Maurer reported that an email from resident Sara Siracuse, of Monroe Street, was sent to the Town Board and contained comments and questions regarding the proposed investment policy, the 2023 budget transfers document and other budget related items, and the proposed resolution to authorize a Capital Account. Mrs. Maurer also stated that another email was received from Annmarie Reeb, of Sheetram Road, with comments and questions also about the investment policy, the Capital Fund Account resolution, the Town Clerk’s request to attend training and the resolution for the JCAP Funding. This correspondence was filed in the communications binder.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident remarked that the proposed resolution for the Capital Account needs to include why the account is being created, where the revenue will go, and the specifics of what the revenue will be used for. Another resident read the email that she submitted, as noted in communications above.

ROUTINE BUSINESS

RESOLUTION 196-23

APPROVE MEETING MINUTES - AUGUST 14, 2023

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo
 Nays 0
 Absent 2 Buechler, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, that the meeting minutes for the Regular Meeting held on August 14, 2023 are approved as presented by Town Clerk Maurer.

RESOLUTION 197-23

ABSTRACT #16

Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was ADOPTED: Ayes 3 Maerten, Leible, Lombardo

Nays 0

Absent 2 Buechler, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, to authorize payment of Abstract #16, Vouchers #23-00762 to #23-00831 which was paid on August 30, 2023 as follows:

General Fund	\$	24,286.31
Highway	\$	6,989.13
Refuse	\$	47,329.40
Sewer	\$	1,521.65
Water	\$	64,298.65
Total	\$	144,425.14

RESOLUTION 198-23

ABSTRACT #17

Motion by Councilman Lombardo, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 3 Maerten, Leible, Lombardo

Nays 0

Absent 2 Buechler, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, to authorize payment of Voucher Abstract #17, Vouchers #23-00832 to #23-00867 to be paid on September 13, 2023 as follows:

General Fund	\$	131,271.05
Highway	\$	62,521.73
Sewer	\$	22,555.56
Water	\$	33,526.09
Total	\$	249,874.43

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for July 2023 was \$202,188.53. This is an increase of \$43,105.60 when compared with July 2022. The total tax collected to date for 2023 is \$1,405,987.39 which is an increase of \$317,330.25 from 2022. Supervisor Maerten also stated that some of the Hometown Heroes banners have been displayed and look very nice.

Councilman Leible had nothing new to report.

Councilmen Lombardo mentioned that the Pendleton Community Faire and Business Expo will take place on Saturday, September 30th from 10:00 a.m. - 1:00 p.m., at the Pendleton Center United Methodist Church. He also stated that he received a call from Peter Blake, of Four Seasons Summer Camp, to thank the Town for working with him to allow camp to take place this summer. Councilman Lombardo said that Mr. Blake will also provide the town with a report summarizing the activity and enrollment from the summer camp.

Attorney Joerg had nothing to report.

Engineer Britton stated that he has been busy reviewing the shop drawings and pulling together the schedules from the contractors for the community center construction. He said that Highway Superintendent Fischer and Building Inspector Diedrich have been very helpful in keeping the project moving forward. He also spoke about a plan to have a consultant help with choosing colors for the building and will provide a proposal soon.

Supervisor Maerten asked Engineer Britton for an update on the construction of the new server room. Mr. Britton said that he will be putting out a bid package hopefully in October.

DEPARTMENT HEADS

Town Clerk Maurer provided an update stating that monthly reports from the Assessor, Building Inspector, Town Clerk, and Water & Sewer Collection have been received and posted online along with the meeting agenda. She reported that the total money collected in the Town Clerk's office for the month of August was \$49,012.62, of which \$41,275.51 was paid to the Town as local shares. She also reported that the total water/sewer rents received for August was \$53,148.03. Mrs. Maurer stated that her office assisted with 23 passport applications in August. She also stated that 49 Hometown Heroes banners have been printed with more applications coming every week. Lastly, Mrs. Maurer provided some answers to a couple of the questions asked in the email correspondence mentioned above.

Highway and Water/Sewer Superintendent Fischer reported that he has been working with John Czerwinski Concrete, who has been fixing the drainage inlets (Dis) in the sublots and subdivisions. He said that this job is almost complete. He also stated that his crew is trying to keep up with the roadside mowing and off-road ditches but it has been hard to get back to those ditches because of how wet the summer has been.

Building Inspector Diedrich had nothing to report.

NEW BUSINESS

RESOLUTION 199-23

OUTSTANDING WATER/SEWER BILLS LEVY TO TAXES

Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was ADOPTED: Ayes 3 Maerten, Leible, Lombardo

Nays 0

Absent 2 Buechler, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, to authorize the Water & Sewer Department to forward all water bills having a balance greater than \$9.99, as of 4:00 p.m. on September 25, 2023, to the Town Assessor's office to be levied to the Niagara County Tax Bill as unpaid town charges.

RESOLUTION 200-23

CAPITAL ACCOUNT

Motion by Councilman Lombardo, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 3 Maerten, Leible, Lombardo

Nays 0

Absent 2 Buechler, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, that the Supervisor is authorized to create a Capital Fund Account with the Town's authorized depository. This resolution shall take effect immediately.

RESOLUTION 201-23

2024 ANNUAL MEETING & TRAINING SCHOOL - TOWN CLERK

Motion by Councilman Lombardo, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 3 Maerten, Leible, Lombardo

Nays 0

Absent 2 Buechler, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, that Town Clerk Deborah Maurer is authorized to attend the 2024 Annual Meeting & Training School in New York City in February 2024. This resolution shall take effect immediately.

RESOLUTION 202-23

ASSESSOR'S INFORMATION CLERK CANVASSING

Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was ADOPTED: Ayes 3 Maerten, Leible, Lombardo

Nays 0

Absent 2 Buechler, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, that canvassing of the list of potential applicants for the position of Assessor's Information Clerk is authorized. This resolution shall take effect immediately.

RESOLUTION 203-23

NCSW SEWER CONNECTION - SOUTH TRANSIT ROAD PARCELS

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo
Nays 0
Absent 2 Buechler, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, that the Supervisor is authorized to request approval from the Niagara County Sewer District for a sewer connection to NCSW MH9 for properties located at 6764, 6770, and 6772 South Transit Road.

FURTHER, BE IT RESOLVED, that all fees associated with this request and subsequent efforts shall be prepaid by the property owner(s) or their agent(s). This resolution shall take effect immediately.

RESOLUTION 204-23

BUDGET LINE TRANSFERS - 2023

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo
Nays 0
Absent 2 Buechler, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, that the following budget line transfers are authorized for the 2023 budget, as requested by the Budget Officer, and shall take effect immediately:

Fund:	Account Number	Transfer To:	Account Name:	Transfer Amount:	Account Number	Transfer From:	Account Name:	Transfer Amount:
General	A00-1355-102		Assessor Supervisor	\$ 2,650	A00-1410-410		Town Clerk - Codifying	\$ 2,650
General	A00-1420-101		Attorney Litigation	\$ 12,000	A00-1420-410		Attorney - Contractual	\$ 12,000
General	A00-1440-413		General Engineering - Support Services	\$ 33,661	A00-3310-400		Traffic Control - Contractual	\$ 10,000
General	A00-1620-120		Town Hall - Personnel	\$ 4,500	A00-1990-400		Contingency	\$ 23,661
General	A00-1660-400		Central Storage - Contractual	\$ 750	A00-5148-110		Town Parks Summer - Personnel	\$ 4,500
General	A00-1910-400		Unallocated Insurance	\$ 2,980	A00-1670-400		Central Print & Mailing - Contractual	\$ 750
General	A00-5148-120		Park Security - Personnel	\$ 1,000	A00-1710-410		Administrative Professional Fees - Contractual	\$ 2,980
General	A00-7150-400		CFA - Playground & Parks Grant - Contractual	\$ 81,719	A00-5148-100		Town Parks - Personnel	\$ 1,000
General	A00-7150-401		CFA - Playground & Parks Grant - Prof Services	\$ 8,500	A00-7150-200		CFA Playground & Parks Grant	\$ 81,719
General	A00-7150-450		CFA - Playground & Parks Grant - Supplies	\$ 6,710	A00-7150-200		CFA Playground & Parks Grant	\$ 8,500
General	A00-7180-100		Special Recreation - Bike Path - Personnel	\$ 3,000	A00-7140-450		CFA Playground & Parks Grant	\$ 6,710
General	A00-7320-400		Youth Baseball - Contractual	\$ 100	A00-7140-450		Playground and Recreation - Supplies	\$ 3,000
General	A00-8090-400		Conservation Board - Contractual	\$ 225	A00-7110-450		Playground and Recreation - Supplies	\$ 100
Fire	SF0-3410-400		Fire Protection District - Contractual	\$ 4,440	SF0-9010-800		Parks - Supplies	\$ 225
Water	SW0-8340-400		Directional Boring - Contractual	\$ 3,163	SW0-8340-440		NYS Retirement	\$ 4,440
							Trans & Distribution - Supplies	\$ 3,163

RESOLUTION 205-23

SUPPORT OF THE JUSTICE COURT ASSISTANCE PROGRAM 2023-24 GRANT APPLICATION FOR THE TOWN OF PENDLETON COURT.

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo

Nays 0

Absent 2 Buechler, Hickman

WHEREAS Justice Court Assistance Program (JCAP) was established in 1999 to provide some state assistance to town and village courts; and

WHEREAS the Town of Pendleton Court has received an invitation to apply for grant funding assistance under the 2023-24 Justice Court Assistance Program; therefore,

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, that the Town of Pendleton authorizes the Town of Pendleton Court to apply for a JCAP Grant in the 2023-24 grant cycle up to \$30,000.

FURTHER, BE IT RESOLVED, that Supervisor is authorized to sign the application.

Appoint Town Constable

This agenda item was tabled until further notice.

RESOLUTION 206-23

NEW WENDELVILLE FIRE COMPANY MEMBERS

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

ADOPTED: Ayes 3 Maerten, Leible, Lombardo

Nays 0

Absent 2 Buechler, Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of September 2023, to accept Hehuanhuan George Zhang, of Main Road, and Abigail Nichols of Aiken Road, as new members of the Wendelville Fire Company.

BOARD MEMBERS DISCUSSION

Supervisor Maerten stated that a Work Session is scheduled for September 25, 2023 at 7:00 p.m. followed by a Budget Session. He also noted that the next Regular Board Meeting is scheduled for October 9, 2023 at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

A Bear Ridge Estates resident addressed the Board about his continuous concerns with the town ditch along Creekbend Drive. He stated that he has been coming to the Board with these concerns for over a year and had several questions related to the ditch and the retention ponds. He asked the Town Board to get back to him with answers to his questions and a long term strategic plan to resolve the issues he has brought to their attention.

A second resident stated that she is very disappointed that the Board did not provide any detailed information about the Capital Account which was voted on.

Another resident asked about the FOIL appeal process stating that she has yet to receive a response to appeals that she has filed.

A resident also thanked the Town Clerk for the updates that have been made to the website.

Lastly, another resident from Bear Ridge Estates stated that he shares the same concerns about the drainage issues on Creekbend Drive.

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

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Executive Session and the Regular Meeting at 8:00 p.m. Motion carried.

Deborah K. Maurer, Town Clerk

PENDING APPROVAL