

**TOWN OF PENDLETON  
REGULAR MEETING  
November 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 13<sup>th</sup> day of November 2023 at 7:00 p.m.

Supervisor Maerten called the meeting to order at 7:06 p.m.

Supervisor Maerten read the invocation and the salute to the flag. A moment of silence was also observed to honor longtime Wendelville Fire Company member, Dennis Kenny, who passed away in October.

Roll Call:

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

Also present:

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

There were 16 residents in attendance, 13 of which were Starpoint students.

**AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA**

The following changes were made to the agenda:

- Remove #1 - 2024 Budget Amendments
- Remove #2 - 2024 Budget Adoption
- Remove #10 - Collective Bargaining Agreement
- Add Executive Session

**COMMUNICATIONS**

There were no communications to report.

**PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

A resident thanked the Town Board for making some of her suggested changes to the budget but said that she still sees other errors. This resident had questions about several of the resolutions included on the agenda. She specifically questioned the resolutions for the proposed expenditures for onsite services provided by Siewert Equipment, and service for repair of E-One pump parts. She also inquired about the proposed resolutions for the Mack truck, the proposal for professional services, the Teamsters Contract and the Community Center RFP.

There were no other remarks or comments on agenda items.

**ROUTINE BUSINESS**

RESOLUTION 230-23

**APPROVE MEETING MINUTES – OCTOBER 23, 2023**

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

ADOPTED: Ayes 4                      Maerten, Buechler, Hickman, Lombardo  
                    Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023, that the meeting minutes for the Work Session held on October 23, 2023 are approved as presented by Town Clerk Maurer.

#### RESOLUTION 231-23

##### **ABSTRACT #21**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023, to authorize payment of Voucher Abstract #21, Vouchers #23-01047 to #23-01113, to be paid on November 15, 2023 as follows:

General Fund	\$	41,358.67
Highway	\$	16,519.48
Refuse	\$	47,155.31
Sewer	\$	4,389.90
Water	\$	2,732.31
Total	\$	112,155.67

#### **OTHER REPORTS**

**Supervisor Maerten** reported that the sales tax collected for September 2023 was \$257,548.55. This is an increase of \$39,518.91 compared with September 2022. The total tax collected to date for 2023 is \$1,858,027.99 which is an increase of \$394,587.56 from 2022.

**Councilman Hickman** apologized to the Town Board for being absent from the Public Hearing that was held on November 9, 2023. He had nothing else to report.

**Councilmen Lombardo** stated that he has been in contact with the town's grant writer regarding the purchase of new AED machines for the Town Hall and Town Garage. He also said that he spoke with the group that provided the day camp at Nine Mile Island and that they plan on providing a final report to the Town Board in December.

**Councilmen Buechler** reported that the members of the Recreation Committee are moving ahead with the Tree Lighting Event that is scheduled for December 1, 2023.

**Attorney Joerg** also apologized for missing the Public Hearing on November, 9, 2023.

**Engineer Britton** provided an update on the construction of the new community center. He believes that the foundation will be started next week and hopes to have a building up before winter starts.

#### **DEPARTMENT HEADS**

**Town Clerk Maurer** provided an update stating that monthly reports from the Building Inspector, Code Enforcement Officer, Engineer, Town Clerk, and Water & Sewer Collection have been received and posted online along with the meeting agenda. Mrs. Maurer had nothing else to report.

**Highway and Water/Sewer Superintendent Fischer** reported that his staff had been busy during the month of October winterizing the bathrooms at Nine Mile Island, prepping the fall fields for the last time, placing topsoil and seeds over replaced drains, and chipping. They had also mowed and weed wacked the parks, worked on ditches on Dunnigan and Fisk Roads, and prepared equipment for the winter season.

**Building Inspector Diedrich** stated that the contractors for Brauer Drive have received their last permit. He said that 48 of the properties are now 100% complete and owner occupied leaving only two to be finished. He also stated that the contractor was very cooperative when asked to repair curb damage that was done during construction.

## NEW BUSINESS

### 2024 Budget Amendments

This agenda item was tabled until the Special Meeting scheduled for November 20, 2023.

### 2024 Budget Adoption

This agenda item was tabled until the Special Meeting scheduled for November 20, 2023.

#### RESOLUTION 232-23

##### **ADVERTISEMENT OF POSITION - ASSESSOR'S INFORMATION CLERK**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023, that the posting for the position of Assessor's Information Clerk is authorized as presented for advertisement. This resolution shall take effect immediately.

#### RESOLUTION 233-23

##### **EXPENDITURE FOR WATER PARTS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023, that the Water Department has standardized the use of water meters and related parts and components manufactured by Badger Meter, and

FURTHER, BE IT RESOLVED, that Moley Industries is the sole source supplier for Badger Meter equipment, parts, and components, and

FURTHER, BE IT RESOLVED, that the proposed expenditure of \$5,760.00 for Badger Meter equipment, parts, and/or components as quoted by Moley Industries is approved. This resolution shall take effect immediately.

#### RESOLUTION 234-23

##### **EXPENDITURE FOR SEWER PARTS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023, that the Sewer Department has standardized the use of pump equipment manufactured by Equipment One Corporation (E/One), and

FURTHER, BE IT RESOLVED, that Siewert Equipment is the sole source supplier for E/One equipment, parts, and components, and

FURTHER, BE IT RESOLVED, that the proposed expenditure of \$6,715.90 for service as quoted by Siewert Equipment is approved. This resolution shall take effect immediately.

#### RESOLUTION 235-23

##### **EXPENDITURE FOR SERVICE**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023, that the sole source provider of parts and service for Omni Crystal Ball remote telemetry systems is Siewert Equipment, and

FURTHER, BE IT RESOLVED, that the proposed expenditure of \$2,019.00 for onsite service as quoted by Siewert Equipment is approved. This resolution shall take effect immediately.

RESOLUTION 236-23

**EXPENDITURE FOR REPAIR OF SEWER PUMPS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023, that the proposed expenditure of \$4,377.00 as quoted by Bailey Electric for the repair of sewer pumps is approved on the basis of best value criteria. This resolution shall take effect immediately.

RESOLUTION 237-23

**DECLARE TRUCK #4 SURPLUS**

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

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

WHEREAS, the Town of Pendleton owns a 2009 Chevrolet Silverado 3500 truck with Vehicle Identification Number 1GBJK74659F145636; and

WHEREAS, this vehicle has a Sno Dogg TE90 salter (Model 034001244) and Western Stryker plow (Model 99031); and

WHEREAS, the Town has purchased new equipment minimally equivalent to this truck and accessories; and

WHEREAS, it is no longer prudent or necessary for the Town to continue owning and maintaining this specific truck and accessories.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023 that the 2009 Chevrolet Silverado 3500 truck with Vehicle Identification Number 1GBJK74659F145636 and the truck's snow plow are declared surplus.

FURTHER, BE IT RESOLVED, that the Sno Dogg TE90 salter (Model 034001244) and Western Stryker plow (Model 99031) for this truck are also declared surplus; and

FURTHER, BE IT RESOLVED, that the Highway Superintendent is authorized to take action leading to the sale and disposal of this truck and snow plow through appropriate means. This resolution shall take effect immediately.

RESOLUTION 238-23

**ADVERTISEMENT OF RFP - COMMUNITY CENTER KITCHEN**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023, that the Request for Proposals, as presented by the Town Engineer, is approved for advertisement.

FURTHER, BE IT RESOLVED, that the Requests for Proposals will be made available on November 14, 2023 and all proposals are to be submitted to the Town Clerk by 10:00 am local

time on November 28, 2023, with the proposals publicly opened and read aloud at 10:00 am. This resolution shall take effect immediately.

### Collective Bargaining Agreement

This agenda item was tabled until the Special Meeting scheduled for November 20, 2023.

Next, Supervisor Maerten explained that he has met with representatives from Drescher & Malecki, a municipal accounting firm, and has proposed that the town employ their accounting services moving forward. This agency will take over for the company that is currently providing these services.

#### RESOLUTION 239-23

##### **ACCEPTANCE OF PROPOSAL FOR PROFESSIONAL SERVICES**

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

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023, that the proposal for professional services received from Drescher & Malecki is accepted as presented. This resolution shall take effect immediately.

#### RESOLUTION 240-23

##### **AUTHORIZATION OF PAYMENT FOR APPARATUS**

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

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo

Nays 0

Absent 1 Leible

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023,

WHEREAS, the Town Board of the Town of Pendleton authorized the expenditure of American Rescue Plan Act funding for the acquisition of apparatus for the Wendelville Fire Company, Inc. for public health response by resolution on September 13, 2021; and

WHEREAS, a resolution was approved for down payment on acquisition of this apparatus by resolution on December 13, 2021; and

WHEREAS, the balance of the cost of the apparatus is due upon delivery, which is anticipated to take place by the end of 2023.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of November 2023 that the expenditure of \$155,651.00 for the balance of the cost of the emergency response apparatus, payable to Firematic Supply Company, Inc., is approved. This resolution shall take effect immediately.

### Authorization for Financing of Equipment

This agenda item was tabled until the Special Meeting scheduled for November 20, 2023.

### **BOARD MEMBERS DISCUSSION**

Supervisor Maerten stated that there will be a Special Meeting on Monday, November 20, 2023 at 7:15 p.m. He does not anticipate there being a Work Session on November 27, 2023. The next Regular Meeting is scheduled for December 11, 2023 at 7:00 p.m.

### **PUBLIC REMARKS/COMMENTS**

A resident remarked that she was happy to see the fire company receive a new truck but wanted to know how the town is able to transfer the title to this truck to the fire company. She also wanted to know when the Investment Policy, that was tabled at the September meeting, will be put back

up before the Board. Lastly, she was very happy about some of the changes that occurred at this meeting.

Another resident was also interested in the purchase and transfer of the fire truck.

A third resident reported to the Board that the final application for the trail [feasibility study] application has been submitted to the Greater Buffalo Transportation Board for their review.

Motion by Councilman Hickman, seconded by Councilman Lombardo, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor and the Town Clerk, at 7:35 p.m. to discuss a personnel issue. Motion carried.

Motion by Councilman Hickman, seconded by Councilman Lombardo, to adjourn from the Executive Session and Regular Meeting at 8:17 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk

PENDING APPROVAL