

**TOWN OF PENDLETON  
REGULAR MEETING  
December 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 11<sup>th</sup> day of December 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.

**Roll Call:**

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

**Also present:**

Deborah Maurer - Town Clerk  
Claude Joerg - Town Attorney  
Tom Valentine - Assessor  
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 22 residents in attendance, 14 of which were Starpoint students.

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

The following changes were made to the agenda:

- Remove #17 - Niagara County IT Shared Services Contract
- Add #17 - Wendelville Fire Company New Members

**COMMUNICATIONS**

Town Clerk Maurer read aloud a letter she received from the Town of Cambria Highway Supervisor, Steve Kroening, complimenting Highway Superintendent Dave Fischer and his crew for the timely and professional assistance they provided to fix multiple water line ruptures on Raymond Road. Mrs. Maurer also stated that, as of January 2024, the Communications section will no longer be included as an agenda item. She indicated that there have been too many specific requests for correspondence to be included in the meeting minutes. After consulting with counsel from the Association of Towns, she was able to confirm that the meeting minutes should not include any attached correspondence or communications from residents.

**PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

A resident commented on the proposed financing of the Mack truck stating she found errors in the resolution. She also questioned the legitimacy of the Fire Company Reserve resolution and commented on the proposed budget transfers.

Another resident also asked about the closing of the Fire Company Reserve account, specifically asking for clarification of what will happen with the remaining \$30,529.67.

Next, Supervisor Maerten, invited the owners of Four Seasons Summer Camp to speak to the Board. Mr. Peter Blake thanked the Town Board for allowing them to use the facilities at Nine Mile Island for what was considered another fantastic season. Special thanks was also given to Councilman Lombardo, Councilman Leible and Highway Superintendent Fischer for the extra help they provided. They are hoping to continue using the location and will work with the town

to ensure that they meet all of the required guidelines. Councilman Lombardo mentioned that several positive letters were received from the families that participated in the camp which were forwarded to the Town Board.

**ROUTINE BUSINESS**

RESOLUTION 247-23

**APPROVE MEETING MINUTES - NOVEMBER 9, 2023**

Motion by Councilman Leible, seconded by Councilman Hickman, 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 11<sup>th</sup> day of December 2023, that the meeting minutes for the Public Hearing held on November 9, 2023, are approved as presented by Town Clerk Maurer.

RESOLUTION 248-23

**APPROVE MEETING MINUTES - NOVEMBER 13, 2023**

Motion by Councilman Leible, seconded by Councilman Hickman, 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 11<sup>th</sup> day of December 2023, that the meeting minutes for the Regular Meeting held on November 13, 2023, are approved as presented by Town Clerk Maurer.

RESOLUTION 249-23

**APPROVE MEETING MINUTES - NOVEMBER 20, 2023**

Motion by Councilman Leible, seconded by Councilman Hickman, 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 11<sup>th</sup> day of December 2023, that the meeting minutes for the Special Meeting held on November 20, 2023, are approved as presented by Town Clerk Maurer.

RESOLUTION 250-23

**ABSTRACT #22**

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 11<sup>th</sup> day of December 2023, to authorize payment of Voucher Abstract #22, Vouchers #23-01114 to #23-01180, which was paid on November 29, 2023 as follows:

General Fund	\$	134,406.20
Highway	\$	74,389.97
Fire District	\$	3,850.00
Refuse	\$	47,845.99
Sewer	\$	25,207.02
Water	\$	9,512.87
Total	\$	295,212.05

RESOLUTION 251-23

**ABSTRACT #23**

Motion by Councilman Buechler, 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 11<sup>th</sup> day of December 2023, to authorize payment of Voucher Abstract #23, Vouchers #23-01181 to #23-01224, to be paid on December 13, 2023 as follows:

General Fund	\$	74,012.39
Highway	\$	15,492.57

Sewer	\$	10,610.86
Water	\$	3,203.70
Total	\$	103,319.52

## OTHER REPORTS

**Supervisor Maerten** reported that the sales tax collected for October 2023 was \$185,921.12. This is an increase of \$43,917.54 compared with October 2022. The total tax collected to date for 2023 is \$2,043,949.11 which is an increase of \$438,505.10 from 2022.

**Councilman Leible** mentioned that the winter newsletter will be sent out at the beginning of January. He also asked that the Town Board receive monthly reports from NC Sheriff Darryl Kroening and the Dog Control Officer. Supervisor Maerten said he will follow up with those individuals regarding this request.

**Councilman Hickman** had nothing to report.

**Councilmen Lombardo** had nothing to report.

**Councilmen Buechler** had nothing to report.

**Attorney Joerg** had nothing to report.

## DEPARTMENT HEADS

**Town Clerk Maurer** provided an update stating that monthly reports from the Assessor, 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 also mentioned that the 2024 County/Town property tax bills will be mailed out at the end of December. She also spoke about the annual tree lighting event that was held at the Town Hall on December 1<sup>st</sup> saying that it was attended by more than 230 people. She said that the children seemed to really enjoy the event. Mrs. Maurer thanked the coordinators, Yvonne Vivian and Candice Black from the town's Recreation Committee, Wendelville Fire Company volunteers for delivering Santa and Mrs. Clause, the violinists from Starpoint Middle School for entertaining the crowd, the Pendleton Historical Society and Craft Coffee House for the hot cocoa bar, the volunteers from Starpoint CSD, Highway Superintendent Fischer and his staff, and the staff from Town Hall for helping make the event successful. Everyone involved worked very hard getting ready for the celebration. She also thanked the many local vendors who contributed by providing decorations and supplies.

**Highway and Water/Sewer Superintendent Fischer** reported that during the month of November his staff chipped brush, installed stakes, prepped equipment for the snowplowing season, plowed and salted the roads when necessary. He said that they also spent time repairing and replacing road signs. Mr. Fischer also stated that he was very proud of the employees that stepped in and assisted the Town of Cambria with the water main breaks.

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

**Assessor Valentine** stated that his office was busy updating the 2024 tax roll that was sent to Niagara County in November for processing. They also sent out exemption applications and renewal forms for the various real property tax exemptions that are available to certain residents.

## NEW BUSINESS

RESOLUTION 252-23

### 2023 BUDGET TRANSFERS

Motion by Councilman Buechler, seconded by Councilman Hickman, 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 11<sup>th</sup> day of December 2023, that the following budget line transfers are authorized for the 2023 budget, as requested by the Budget Officer, and shall take effect immediately.

**GENERAL FUND**

<b>Budget Code to:</b>	<b>Account Name</b>	<b>Amount</b>
<b>Budget Code from:</b>	<b>Account Name</b>	<b>Amount</b>
A00-1410-200	Town Clerk – Fixed Assets-Equipment	\$1,452
A00-1410-400	Town Clerk Contractual	\$1,452
A00-1420-420	Attorney contractual	\$2,600
A00-1110-400	Justices – Contractual	\$2,600
A00-1440-413	General Engineering – support svc	\$3,700
A00-1420-430	Attorney – Professional Fees	\$3,700
A00-1620-100	Town Hall Personnel Svcs.	\$6,355
A00-1990-400	Contingency	\$6,339
A00-1410-450	Supplies	\$16
A00-1660-400	Central Storage – Contractual	\$121
A00-1320-400	Auditing	\$121
A00-1910-400	Unallocated Insurance	\$3,084
A00-1410-410	Codifying	\$3,084
A00-1989-100	Business Dev – Personnel Svcs.	\$500
A00-1640-100	Central Garage – Personnel Svcs. Cleaner	\$500
A00-5010-110	Superintendent of Highway – Personnel Svcs.	\$5,525
A00-1640-100	Central Garage – Personnel Svcs. Cleaner	\$5,525
A00-5148-120	Park Security	\$3,593
A00-3310-400	Traffic Control – Contractual	\$3,593
A00-7110-400	Parks – Contractual	\$2,149
A00-7110-450	Parks – Supplies	\$2,149
A00-7140-100	Playgrounds & Recreation – Personnel Svcs.	\$26,001
A00-1710-400	Administrative – IT Services	\$26,001
A00-7140-400	Playgrounds & Recreation – Contractual	\$8,634
A00-1640-400	Central Garage – Contractual	\$8,634
A00-7150-400	CFA Playground & Parks Grant	\$4,300
A00-7150-200	CFA Playground & Parks Grant Equipment	\$4,300
A00-7150-401	CFA Professional Service	\$11,538
A00-7150-200	CFA Playground & Parks Grant Equipment	\$11,538
A00-7150-450	CFA Playground & Parks Grant Supplies	\$20,984
A00-7150-200	CFA Playground & Parks Grant Equipment	\$20,984
A00-9030-800	Social Security	\$11,946
A00-1710-410	Administrative – Professional Fees	\$11,946

**HIGHWAY FUND**

<b>Budget Code to:</b>	<b>Account Name</b>	<b>Amount</b>
<b>Budget Code from:</b>	<b>Account Name</b>	<b>Amount</b>
DA0-5110-100	Maintenance of Roads – Personnel	\$40,580
DA0-5142-100	Snow Removal – Personnel Svcs.	\$40,580

**SEWER FUND**

<b>Budget Code to:</b>	<b>Account Name</b>	<b>Amount</b>
<b>Budget Code from:</b>	<b>Account Name</b>	<b>Amount</b>
SS0-8120-460	Sewage – Utility Pump Station	\$201
SS0-8110-410	Administration – Office Supplies	\$201
SS0-8120-481	Sewage – Fuel	\$1,146
SS0-8110-410	Administration – Office Supplies	\$1,146
SS0-9055-800	Disability Insurance	\$107
SS0-8110-410	Administration – Office Supplies	\$107

**WATER FUND**

<b>Budget Code to:</b>	<b>Account Name</b>	<b>Amount</b>
<b>Budget Code from:</b>	<b>Account Name</b>	<b>Amount</b>
SW0-8340-100	Trans & Dist. Personnel Svcs.	\$7,410
SW0-8310-430	Water Administration – Prof. Fees	\$7,410

SW0-8340-400	Directional Boring – Contractual	\$4,380
SW0-8310-430	Water Administration – Prof. Fees	\$4,380
SW0-8340-200	Trans. & Distr. – Power & Pumps	\$207
SW0-8310-430	Water Administration – Prof. Fees	\$207
SW0-8340-430	Trans & Distr. – Meters	\$191
SW0-8310-430	Water Administration – Prof. Fees	\$191

RESOLUTION 253-23

**ADVERTISE FOR SEASONAL EMPLOYEES**

Motion by Councilman Leible, seconded by Councilman Hickman, 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 11<sup>th</sup> day of December 2023, that the Town Clerk is hereby authorized to publicly advertise for two (2) seasonal laborer positions assigned to the Highway Department, with anticipated assignment dates to be from May 1, 2024 to September 1, 2024, depending upon applicant availability.

FURTHER, BE IT RESOLVED, that the rate of pay for these seasonal positions is established at \$15.00 per hour. This resolution shall take effect immediately.

RESOLUTION 254-23

**ADVERTISE FOR SEASONAL PARK ATTENDANT**

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that the Town Clerk is hereby authorized to publicly advertise for the position of a seasonal Park Attendant position assigned to the Highway Department, with anticipated assignment dates to begin after May 1, 2024.

FURTHER, BE IT RESOLVED, that the rate of compensation shall be established at the time of appointment of a potential candidate. This resolution shall take effect immediately.

RESOLUTION 255-23

**ADVERTISE FOR PUBLIC WORKS POSITIONS**

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

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

WHEREAS, the Highway Department and Water & Sewer Department require a minimum level of staffing to meet the needs of the residents and property owners of the Town of Pendleton, maintaining infrastructure and performing vital tasks; and

WHEREAS, the Town continues to recruit for a potential full-time opening in the Highway Department; and

WHEREAS, the Town continues to recruit potential talent for an opening in the Highway Department and advertising for candidates for expanded position titles may attract qualified applicants; and

WHEREAS, the Highway Superintendent has requested authorization to advertise for potential openings of multiple position titles.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that the Town Supervisor is authorized to create postings for potential openings in the Highway Department that may include job titles of Laborer, Truck Driver, Mechanical Equipment Operator, and Automotive Mechanic.

FURTHER, BE IT RESOLVED, the Town Clerk is authorized to publicly advertise these potential openings. This resolution shall take effect immediately.

RESOLUTION 256-23

**ADVERTISE FOR SUMMER RECREATION POSITIONS**

Motion by Councilman Buechler, 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 11<sup>th</sup> day of December 2023, that the Town Clerk is authorized to advertise for the following Summer Recreation Program positions:

- A) Swimming Pool Director
- B) Lifeguard
- C) Recreation Leader
- D) Assistant Recreation Director
- E) Chief Lifeguard

FURTHER, BE IT RESOLVED, that rates of compensation shall be established by resolution at a future date or at time of appointment of candidates. This resolution shall take effect immediately.

RESOLUTION 257-23

**CANAL BUOY PROJECT - ACCEPTANCE OF PROJECT CONDITIONS**

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

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

WHEREAS, the Town of Pendleton has undertaken efforts to acquire an historic canal buoy boat for display on Town-maintained property; and

WHEREAS, efforts continue to satisfy the requirements of the New York State Canal Corporation for transfer of this property; and

WHEREAS, a proposed location of the placement of the historic canal buoy boat must be approved by the Town Board.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that the proposed permit area for placement of a historic canal buoy boat, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 258-23

**COLLECTIVE BARGAINING AGREEMENT AMENDMENT**

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

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

WHEREAS, certain employees of the Highway, Water, and Sewer Departments are collectively represented by Teamsters Local 264; and

WHEREAS, the current collective bargaining agreement approved by Town employee membership of Teamsters Local 264 and the Town Board of the Town of Pendleton expires on December 31, 2023; and

WHEREAS, the local membership of Teamsters Local 264 did approve the proposed contract extension prior to the November meeting of the Town Board.

WHEREAS, the proposed Collective Bargaining Agreement was approved by resolution of the Town Board on November 20, 2023; and

WHEREAS, incorrect information was noted in the Collective Bargaining Agreement presented to the Town Board.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that the Collective Bargaining Agreement between the Town of Pendleton and Teamsters Local 264 shall be amended as follows:

*As previously approved:*

Appendix A - Wages  
Employees hired after January 1, 2008  
Positions Title: Equipment Operator  
2024 Pay Rate, Step 6: \$28.25

*Amended to:*

Appendix A - Wages  
Employees hired after January 1, 2008  
Positions Title: Equipment Operator  
2024 Pay Rate, Step 6: \$29.52

This resolution shall take effect immediately.

#### RESOLUTION 259-23

##### **CELL PHONE STIPEND**

Motion by Councilman Buechler, seconded by Supervisor Maerten, the following resolution was ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo  
Nays 0

WHEREAS, specific Town of Pendleton elected officials, appointed officials, and employees are required to be accessible at times considered to be outside of typical weekday office and work hours; and

WHEREAS, the Town of Pendleton has provided a stipend for multiple elected officials, appointed officials, and employees who have opted to use a personal cell phone for Town-related business, forgoing issuance of a Town-owned and maintained device; and

WHEREAS, this practice has decreased the cost of cell phone services charged to the Town of Pendleton; and

WHEREAS, continuing the payment of a cell phone stipend to select individuals in place of issuance of a Town-owned device will continue to decrease the cost of such services billed to the Town of Pendleton.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that a monthly stipend of \$28.00 shall be paid to the Highway Superintendent, Deputy Water & Sewer Superintendent, Deputy Highway Superintendent, any individual employed as a full or part time Building Inspector or Code Enforcement Officer, Town Clerk, and Town Board for the period January 1, 2024 through December 31, 2024. This resolution shall be effective immediately.

#### RESOLUTION 260-23

##### **COMMUNITY CENTER PROJECT - ACCEPT BID FOR RFP**

Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo  
Nays 0

WHEREAS, a Request for Proposal was approved for advertisement by resolution of the Town Board of the Town of Pendleton on November 13, 2023; and

WHEREAS, sealed bids were received and opened, as advertised in the approved Request for Proposal; and

WHEREAS, acceptance of the lowest cost proposal received is recommended.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that the proposal submitted by Life by Design for \$21,826.00 is accepted. This resolution shall take effect immediately.

Councilman Leible asked if the accepted bid included the cost of installation of the cabinets. Supervisor Maerten stated that they will be installed by the general contractor.

RESOLUTION 261-23

**COMMUNITY CENTER PROJECT - CHANGE ORDER #2**

Motion by Councilman Leible, seconded by Councilman Hickman, 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 advertisement for bids for a Community Center Project by resolution on January 9, 2023; and

WHEREAS, acceptance of the lowest bid for this advertised project was accepted by resolution on May 8, 2023; and

WHEREAS, work on the Community Center Project has commenced and Change Request #2 - Add Underslab Insulation at Building Perimeter has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that proposed Change Order #2, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 262-23

**COMMUNITY CENTER PROJECT - CHANGE ORDER #3**

Motion by Councilman Leible, seconded by Councilman Lombardo, 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 advertisement for bids for a Community Center Project by resolution on January 9, 2023; and

WHEREAS, acceptance of the lowest bid for this advertised project was accepted by resolution on May 8, 2023; and

WHEREAS, work on the Community Center Project has commenced and Change Order #3 - Additional Stone for Backfill in Building Pad has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that proposed Change Order #3, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 263-23

**COURT EXPENDITURE - METAL DETECTOR**

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 11<sup>th</sup> day of December 2023, that quote from Security Detections for \$3,790.00 for a metal detector and accessories is approved. This resolution shall take effect immediately.

RESOLUTION 264-23

**DECLINATION OF HEALTH INSURANCE**

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

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

WHEREAS, full-time employees of the Town of Pendleton not subject to a Collective Bargaining Agreement are eligible for health insurance coverage paid for by the Town; and

WHEREAS, such employees eligible for health insurance offered by the Town of Pendleton may choose to decline this coverage due to existing coverage available through a spouse or otherwise; and

WHEREAS, employees declining health insurance coverage provides substantial savings to the Town of Pendleton.



NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that employees declining health insurance coverage for the 2024 calendar year shall be paid a \$1,000.00 stipend in the last pay cycle of 2024, provided eligible employees sign and return a declination of health insurance form prior to March 1, 2024.

FURTHER, BE IT RESOLVED, that this resolution shall only apply to employees not represented by a Collective Bargaining Agreement. This resolution shall take effect immediately.

RESOLUTION 265-23

**FIRE EQUIPMENT RESERVE FUND**

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

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

WHEREAS, the Town Board of the Town of Pendleton created a Fire Equipment Reserve Fund (hereinafter "Reserve Fund") by resolution on December 21, 2021; and

WHEREAS, the Reserve Fund was increased by \$10,000 in the adopted 2021 budget wherein this funding was included in the 2021 tax levy; and

WHEREAS, the Reserve Fund was increased by \$20,000 in the adopted 2022 budget wherein this funding was included in the 2022 tax levy; and

WHEREAS, a public hearing was held on November 9, 2023 for the 2024 Town of Pendleton Budget, including allocated funding for the Wendelville Fire Company, Inc. in the amount of \$432,636; and

WHEREAS, the balance of the Reserve Fund, including interest, is currently \$30,529.67; and

WHEREAS, it has been recommended to the Town Board that the Reserve Fund be closed and the funds contained therein be expended as intended.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that the Fire Equipment Reserve Fund is hereby closed and the current balance of the Reserve Fund shall be appropriated as intended in the resolution creating the Reserve Fund.

FURTHER, BE IT RESOLVED, that Fire Protection District budget line SF.3410.0400 - Contractual Expense in the adopted 2024 budget shall be increased by \$30,529.67, from \$432,636.00 to \$463,165.67.

FURTHER, BE IT RESOLVED, that the agreement between the Town of Pendleton and the Wendelville Fire Company, Inc. is approved, as presented, including the budget funds for 2024 and the increased funding from the Reserve. This resolution shall take effect immediately.

RESOLUTION 266-23

**FINANCING OF EQUIPMENT**

Motion by Councilman Hickman, seconded by Councilman Lombardo, 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 acquisition of a 2024 Mack Granite 64FR mDrive chassis with body and plow equipment by resolution [RESOLUTION 169-22] on July 11, 2022; and

WHEREAS, the accepted resolution authorized a finance/ownership contract with Conway Beam Mack Group with a down payment of \$29,506.05 and three annual payments of \$99,503.39; and

WHEREAS, the terms of financing this purchase have changed and the previous resolution [RESOLUTION 245-23] is amended.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of December 2023, that a finance/ownership contract with Conway Beam Mack Group is authorized with a down payment of \$29,506.05 and three (3) annual payments of \$100,248.48.

This resolution shall take effect immediately.

RESOLUTION 267-23

**AUTHORIZATION OF INFILTRATION AND INFLOW PROJECT**

Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo  
Nays 0

WHEREAS, residents and property owners of the Town of Pendleton rely on the sewer system infrastructure maintained by the Town of Pendleton Water & Sewer Department; and

WHEREAS, limiting infiltration and inflow into the sewer system maintained by the Town of Pendleton assists in reducing the cost of system operation; and

WHEREAS, the Niagara County Sewer District annually provides \$20,000.00 of funding to member towns for projects which reduce system infiltration and inflow; and

WHEREAS, a quote has been received for a proposed 2023 project that will continue the ongoing work focused on reducing infiltration and inflow.

WHEREAS, project pricing is based on the Ontario County Purchasing Bid Tabulation Sheet for this type of work.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11<sup>th</sup> day of December 2023, that the manhole lining project is approved as quoted by Advanced Rehabilitation Technology for an amount not to exceed \$18,000.00 for the Town's 2023 infiltration and inflow project is accepted.

FURTHER, BE IT RESOLVED, that a 3.7% cost increase is included in the corresponding bid tabulation sheet for costs after December 31, 2023 and the approved amount, should work take place after this date, shall be \$18,666.00.

FURTHER, BE IT RESOLVED, that the Supervisor is authorized to submit this project to the Niagara County Sewer District for approval; and

FURTHER, BE IT RESOLVED, that the payment of this project cost is a reimbursable allocation of funding from the Niagara County Sewer District and will be paid by the Town of Pendleton upon completion of this work. This resolution shall take effect immediately.

**Niagara County IT Shared Services Contract**

This agenda item was tabled until the January meeting.

RESOLUTION 268-23

**WENDELVILLE FIRE COMPANY - NEW MEMBERS**

Motion by Councilman Leible, seconded by Councilman Hickman, 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 11<sup>th</sup> day of December 2023, to accept Lisa Blas, from Irish Road, and Bradley Walkowiak, also from Irish Road, as new members of the Wendelville Fire Company.

**BOARD MEMBERS DISCUSSION**

Supervisor Maerten stated that there will be no Work Session on December 25, 2023 and that the Regular and Organizational Meeting will be held on January 8, 2024.

**PUBLIC REMARKS/COMMENTS**

A resident inquired about the \$10,000.00 amount approved for the Fire Reserve account in the 2021 budget and if it will be returned to the taxpayers.

A second resident asked for an update regarding the proposed Investment Policy that was tabled earlier in the fall. She also had questions about the contract between the Town and the fire company.

Motion by Councilman Leible, seconded by Councilman Hickman, to adjourn from the Regular Meeting at 7:57 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk

PENDING APPROVAL