

TOWN OF PENDLETON
REGULAR AND ORGANIZATIONAL MEETING
January 8, 2024

A Regular and Organizational Meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 8th day of January 2024 at 7:00 p.m. The meeting was open to the public.

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
Ron Diedrich - Building Inspector/Code Enforcement Officer
Mark Walter - Deputy Town Supervisor
Dave Britton - Engineer
Niagara County Deputy Sheriff Darryl Kroening

There were 19 residents in attendance.

ADDITIONS OR DELETIONS TO THE AGENDA

The following changes were made to the agenda:

- Add #12 - HCA Door Proposal
- Delete #1 - FUA - BSA Troop 98

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident commented about two vouchers that were included in the abstracts to be approved during the meeting. She stated that the budget lines associated with these payments “do not exist” according to the adopted town budget. She also commented on the pending budget transfers.

A second resident had similar comments about the abstract and budget codes and also asked about the appointment of the Assessor’s Information Clerk. She wanted to know how many applications were received for this position.

ROUTINE BUSINESS

RESOLUTION 01-24

APPROVAL OF MINUTES - DECEMBER 11, 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 8th day of January 2024, that the meeting minutes for the Regular Meeting held on December 11, 2023, are approved as presented by Town Clerk Maurer.

RESOLUTION 02-24

AUTHORIZE PAYMENT OF ABSTRACT #24 (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 8th day of January 2024, to authorize payment of Voucher Abstract #24, Vouchers #23-01225 to #23-01291* that was paid on December 27, 2023:

General Fund	\$	243,546.62
Highway	\$	40,789.23
Fire Protection	\$	158,171.00
Refuse	\$	47,586.35
Sewer	\$	2,215.12
Water	\$	2,995.75
Trust & Agency	\$	500.00
Total	\$	495,804.07

*Vouchers 23-01237 and 23-01238 were voided

RESOLUTION 03-24

AUTHORIZE PAYMENT OF ABSTRACT #1 (2023 & 2024)

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 8th day of January 2024, to authorize payment of Voucher Abstract #1, to be paid on January 10, 2024 as follows:

- o Vouchers #23-01292 to #23-01297 for year ending 2023:

General Fund	\$	382,572.30
Highway	\$	19,916.28
Refuse	\$	300.00
Sewer	\$	6,438.09
Water	\$	2,998.39
Total	\$	412,225.06

- o Vouchers #24-00001 to #24-00044 for year ending 2024:

General Fund	\$	13,711.51
Highway	\$	2,440.74
Sewer	\$	2,229.75
Total	\$	18,382.00

Other Reports:

Supervisor Maerten reported that the sales tax collected for November 2023 was \$190,658.88. This is an increase of \$3,792.28 when compared with November 2022. The year to date received is \$2,234,607.99 which is an increase of \$106,686.77 from 2022.

Supervisor Maerten also reported that Town Attorney Joerg is currently working on the Facilities Usage Agreement for the Pendleton Farm & Home Days and hopes to have it ready for the February meeting.

COMMITTEE APPOINTMENTS 2024

Assessment	Councilmen Buechler and Leible
Building Inspections & Code Enforcement	Councilmen Hickman and Lombardo
Building & Capital Improvements	Councilmen Leible and Lombardo
Business Development	Councilman Hickman, Supervisor Maerten
Fire Company Service Award	Councilmen Buechler and Hickman
Fire Board	Councilman Leible, Supervisor Maerten
Insurance	Councilman Lombardo, Supervisor Maerten
Town Newsletter	Councilmen Leible and Lombardo
Water & Sewer	Councilmen Hickman and Leible
Highway & Drainage	Councilmen Buechler and Lombardo
Recreation	Councilmen Buechler and Hickman
Security	Councilmen Leible and Lombardo
Conservation, Parks, & Trails	Councilmen Hickman and Leible
Ethics	Councilman Buechler
Celebrations	Councilmen Leible and Lombardo

Senior Citizens
Pendleton Station Market

Councilmen Leible and Lombardo
Councilman Hickman

SUPERVISOR APPOINTMENTS

Deputy Town Supervisor
Emergency Services Coordinator
Town Historian
Budget Officer
Town Attorney

Mark Walter
Mark Walter
Carissa Smith
Thomas Matuski
Claude Joerg

ASSIGNMENT OF ANNUAL AUDITS

Chief Fiscal Officer
Town Clerk/Tax Collector
Town Justice – Judge Mack
Town Justice – Judge Ostrowski

Councilman Buechler
Councilman Hickman
Councilman Lombardo
Councilman Leible

OTHER REPORTS

Councilman Leible stated that the Winter newsletter went out a little later this year because it contained an official notice that was required to be sent after the tax bills were mailed. He also reported that he received a call from a Beach Ridge Road resident who is concerned about the cars parking on the road near the Country Cottage restaurant. There was a discussion about allowing parking on only one side of the road. This type of change would have to be approved by Niagara County. Councilman Leible said that he would work with the Niagara County Highway Department and Niagara County Legislator Tony Nemi on this issue.

Councilman Hickman had nothing to report.

Councilman Lombardo reported that since the last meeting he had responded to issues/concerns from five town residents. He also stated that he accompanied the Building Inspector on an inspection to the new Buffalo Medical Group building on South Transit Road.

Councilman Buechler said that he received a call from the same Beach Ridge Road resident regarding the parking complaint. He also stated that he is in the process of preparing for the 2023 Chief Financial Officer annual audit.

Town Attorney Joerg reported that he is currently reviewing the park policy and other documents related to the Pendleton Farm & Home Days and is happy to meet with anyone interested in order to come up with a final facilities usage agreement for the event.

Engineer Britton provided an update on the Community Center construction stating that it is moving along and also reported that he has been busy working on the sketches for the new server room and the ADA compliant accessible door project for the Town Hall. Councilman Lombardo asked if we are on track with budgeted expenses for the Community Center. Mr. Britton replied saying that he will provide a tally sheet of expenses in the future. There was also a short discussion about the project change orders that will be voted on later in the meeting.

DEPARTMENT HEADS

Town Clerk Maurer reported that she received and posted monthly reports from the Assessor, Building Inspector/Code Enforcement Officer, Dog Control Officer, Engineer, and Niagara County Deputy Sheriff Kroening. Also posted online are the Town Clerk, Tax Collector, and Water & Sewer Collection reports for December. Mrs. Maurer reminded everyone that the 2024 County/Town tax collection period has begun stating the tax bills can be paid in person, by mail, or online and are due without penalty by January 31, 2024.

Building Inspector Diedrich spoke about the new medical building on South Transit Road. He explained that Buffalo Medical Group will currently occupy 16,000 SF of space with an additional 16,000 SF to be occupied once all of the building requirements are met. He stated that they plan on occupying additional space in the future giving them over 54,000 SF of usable space. Mr. Diedrich explained that this is all new growth for the medical group who has been hiring new doctors and staff to run this facility and that it is a welcome addition to the town.

Assessor Valentine said that his office will be mailing out the exemption applications for seniors and people with disabilities in the very near future. He is currently waiting for updated information from New York State regarding those exemptions.

NEW BUSINESS

Facilities Usage Agreement - BSA Troop 98

This item was initially removed from the agenda. It was later voted on at the end of the meeting.

RESOLUTION 04-24

FACILITIES USAGE AGREEMENT - PENDLETON SKI CLUB

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 8th day of January 2024, to approve the Facilities Usage Agreement for the organization known as Pendleton Ski Club.

RESOLUTION 05-24

ESTABLISHMENT OF COMPENSATION RATES

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 relies on the time, efforts, and dedication of many individuals through each individual's appointment to various boards, committees, and other positions; and

WHEREAS, the Town Board of the Town of Pendleton approved a budget for 2024 on November 20, 2023; and

WHEREAS, the approved 2024 budget includes appropriations for compensation of all individuals appointed to various boards, committees, and other positions.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of January 2024, that the following rates of compensation are established for 2024 as follows:

- A) Planning Board members shall be compensated at the rate of \$2,435.00 per member annually.
- B) Planning Board Chairman shall be compensated at the rate of \$5,281.00 annually.
- C) Planning Board Administrative Assistant shall be compensated at the rate of \$15,246.00 annually.
- D) Planning Board Recording Secretary shall be compensated at the rate of \$2,283.00 annually.
- E) Zoning Board of Appeals members shall be compensated at the rate of \$1,299.80 per member annually.
- F) Conservation Board members shall be compensated at the rate of \$50.00 per meeting per member.
- G) Board of Assessment Review members shall be compensated at the rate of \$480.00 per member annually.
- H) Board of Assessment Review Chairperson shall be compensated at the rate of \$335.00 annually in addition to the base rate of pay for Board members.
- I) 1st Deputy Town Clerk shall be compensated at the rate of \$23.00 per hour.
- J) 2nd Deputy Town Clerk shall be compensated at the rate of \$21.00 per hour.
- K) IT Coordinator shall be compensated at the rate of \$12,195.00 annually.
- L) Supervisor's Secretary shall be compensated at the rate of \$20,451.00 annually.
- M) Justice's Clerks shall be compensated at the rate of \$21.71 per hour.
- N) Constables shall be compensated at the rate of \$20.00 per hour.
- O) Sewer & Water Clerk shall be compensated at the rate of \$23.65 per hour.
- P) Cleaner - Town Hall shall be compensated at the rate of \$17.60 per hour.

- Q) Full-time Building Inspector & Code Enforcement Officer shall be compensated at the rate of \$69,963.00 annually.
- R) Part-time Building Inspector & Code Enforcement Officer shall be compensated at the rate of \$30.98 per hour.
- S) Stormwater Management Coordinator shall be compensated at the rate of \$2,786.00 annually.
- T) Part-time Personnel Records Clerk shall be compensated at the rate of \$2,065.00 per month.
- U) Part-time Public Works Clerical shall be compensated at the rate of \$17.48 per hour.
- V) Full-time Public Works Clerical shall be compensated at the rate of \$21.74 per hour.
- W) Part-time Recreation Director shall be compensated at the rate of \$7,654.00 annually.

BE IT FURTHER RESOLVED, that this resolution shall be effective as of January 1, 2024.

RESOLUTION 06-24

2023 BUDGET LINE MODIFICATIONS

Motion by Councilman Lombardo, 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 8th day of January 2024, that the following budget line transfers are authorized for the 2023 budget, as requested by the Budget Officer, and shall take effect immediately:

#	Transfer to:	Amount	Transfer from:	Amount
1	A1110.0100	\$6,865.63	A1110.0110	\$6,865.63
2	A1110.0450	\$192.93	A1220.0400	\$192.93
3	A1220.0110	\$375.95	A1220.0400	\$375.95
4	A1420.0420	\$4,129.50	A1110.0110	\$4,129.50
5	A1440.0400	\$1,410.00	A1110.0110	\$1,410.00
6	A1440.0417	\$381.50	A1220.0400	\$381.50
7	A1660.0400	\$742.01	A1010.0400	\$742.01
8	A1670.0400	\$445.03	A1220.0400	\$445.03
9	A3310.0400	\$12,490.32	A1620.0200	\$12,490.32
10	A3310.0410	\$2,367.00	A1110.0110	\$2,367.00
11	A3610.0100	\$414.00	A1220.0400	\$414.00
12	A6326.0400	\$3,000.00	A1110.0110	\$3,000.00
13	A7110.0400	\$151.05	A1220.0400	\$151.05
14	A7140.0100	\$1,442.99	A1640.0200	\$1,442.99
15	A7150.0401	\$11,087.80	A1640.0200	\$11,087.80
16	A7180.0100	\$618.90	A1010.0450 A1010.0400	\$450.00 \$168.90
17	A7180.0400	\$105.00	A1220.0400	\$105.00

18	A7320.0400	\$89.00	A1220.0400	\$89.00
19	A8020.0100	\$18.00	A1220.0400	\$18.00
20	A9030.0800	\$13,005.84	A5148.0100	\$13,005.84
	<i>TOTAL:</i>	<i>\$59,332.45</i>	<i>TOTAL:</i>	<i>\$59,332.45</i>

#	Transfer to:	Amount	Transfer from:	Amount
1	DA5110.0100	\$19,865.78	DA1990.0400	\$19,865.78

#	Transfer to:	Amount	Transfer from:	Amount
1	SS8120.0410	\$18,546.48	SS8110.0440	\$18,546.48
2	SS8120.0460	\$602.96	SS1990.0400	\$602.96
3	SS8120.0481	\$59.40	SS1990.0400	\$59.40
	<i>TOTAL:</i>	<i>\$19,208.84</i>	<i>TOTAL:</i>	<i>\$19,208.84</i>

#	Transfer to:	Amount	Transfer from:	Amount
1	SW8340.0420	\$206.13	SW1990.0400	\$206.13

RESOLUTION 07-24

2024 BUDGET LINE MODIFICATIONS

Motion by Councilman Hickman, 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 8th day of January 2024, that the following budget line code modifications are authorized for the 2024 budget:

#	Budget Line	Original Balance	New Balance
1A	A789.0450 - Nine Mile Island Supply	\$1,500	\$0
1B	A7989.0450 - Nine Mile Island Supply	\$0	\$1,500
2A	A8020.4100 - Public Hearings	\$1,250	\$0
2B	A8020.0410 - Public Hearings	\$0	\$1,250
3A	A1989.0410 - Farmers Market	\$2,250	\$0
3B	A1989.0400 - Farmers Market	\$0	\$2,250
4A	A5148.0100 - Personnel Services	\$52,567	\$0
4B	A7110.0100 - Personnel Services	\$0	\$52,567
5A	A5148.0120 - Park Security Personnel	\$7,550	\$0
5B	A7110.0120 - Park Security Personnel	\$0	\$7,550
6A	A5148.0200 - Equipment	\$10,000	\$0
6B	A7110.0200 - Equipment	\$0	\$10,000
7A	A5148.0400 - Parks Contractual	\$4,500	\$0

7B	A7110.0400 - Parks Contractual	\$0	\$4,500
8A	A5148.0500 - Parks Supply	\$10,000	\$0
8B	A7110.0450 - Parks Supply	\$0	\$10,000

This resolution shall take effect immediately.

RESOLUTION 08-24

APPOINTMENT OF ASSESSOR'S INFORMATION CLERK

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 Board of the Town of Pendleton approved the advertisement of the position of Assessor's Information Clerk; and

WHEREAS, the Town of Pendleton worked with Niagara County Civil Service to identify eligible candidates for this position; and

WHEREAS, multiple individuals were interviewed for the position of Assessor's Information Clerk; and

WHEREAS, a recommendation has been made to the Town Board for appointment to the position of Assessor's Information Clerk.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of January 2024 that Miranda E. Friert is appointed to the full-time position of Assessor's Information Clerk with a rate of compensation of \$21.00 per hour and this appointment will begin on January 22, 2024.

FURTHER, BE IT RESOLVED, that health benefits will be made available after six (6) months of employment and the probationary period for this position shall be twelve (12) months.

FURTHER, BE IT RESOLVED, that five (5) days of vacation leave will be granted on the applicants' six (6) month anniversary of employment. Beyond the applicant's six (6) month anniversary, all forms of paid leave shall be accumulated as detailed in the Employee Handbook. This resolution shall take effect immediately.

RESOLUTION 09-24

NIAGARA COUNTY IT MUNICIPAL AGREEMENT

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 of Pendleton and Niagara County entered into a Municipal Cooperation Agreement for Niagara County to provide certain information technology services and assistance for the period on or about November 5, 2018 through December 21, 2019; and

WHEREAS, this specific Municipal Cooperation Agreement was renewed each successive year from inception through December 31, 2023; and

WHEREAS, it is prudent and necessary to renew this agreement between the Town of Pendleton and Niagara County for the calendar year 2024.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of January 2024 that the Municipal Cooperation Agreement between the Town of Pendleton and Niagara County for certain information technology services and assistance shall be approved for one (1) year commencing on January 1, 2024 and continuing through December 31, 2024.

RESOLUTION 10-24

AUTHORIZE ADVERTISEMENT OF POSITION

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 8th day of January 2024, that the posting for the position of Recreation Director is authorized as presented for advertisement. This resolution shall take effect immediately.

Next, Supervisor Maerten provided a summary of the four proposed change orders for the Community Center construction as follows:

<u>Contract</u>	<u>Description</u>	<u>Amount</u>	<u>Notes</u>
Electrical (CIR) EC-2	Add conduits under slab for Town Hall future communications	\$4,501.08	No increase in contract amount. Paid out of allowance item.
Electrical (CIR) EC-3	Kitchen modifications	\$2,229.13	Increase in contract amount.
Electrical (CIR) EC-4	Grounding	-\$897.41	No change to contract value. Credit applied to allowance item.
Plumbing (Camtech) PC-1	New kitchen plumbing design	\$8,913.00	Increase in contract amount.

RESOLUTION 11-24

COMMUNITY CENTER PROJECT CHANGE ORDERS

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 Orders EC-2, EC-3, EC-4, and PC-1 have been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of January 8, 2024 that proposed Change Orders EC-2, EC-3, EC-4, and PC-1, as presented to the Town Board, are accepted. This resolution shall take effect immediately.

RESOLUTION 12-24

ACCEPT RESIGNATION

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

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

Nays 0

WHEREAS, through the vision and efforts of Marissa Wroblewski, a farmers' market has been reestablished in the Town of Pendleton; and

WHEREAS, the farmers' market has been branded and advertised as the Pendleton Station Market; and

WHEREAS, the Town's residents and patrons of the Pendleton Station Market look forward to another season in 2024; and

WHEREAS, after multiple years of dedication, Marissa Wroblewski has made the decision to end her tenure of leadership, with an anticipated appointment of a new individual to continue in the leadership position she has held since the inception of the Pendleton Station Market.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of January 2024 that Marissa Wroblewski's resignation from the position of Seasonal Help - Clerical is accepted.

FURTHER, BE IT RESOLVED, that the Town Board formally recognizes Ms. Wroblewski's time, effort, and dedication and thanks her for her work for the betterment of the Town of Pendleton. This resolution shall take effect immediately.

RESOLUTION 13-24

SEASONAL HELP - CLERICAL APPOINTMENT

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

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

WHEREAS, through the vision and efforts of dedicated residents, a farmers' market has been reestablished in the Town of Pendleton; and

WHEREAS, the farmers' market has been branded and advertised as the Pendleton Station Market; and

WHEREAS, the Town's residents and patrons of the Pendleton Station Market look forward to another season in 2024; and

WHEREAS, the Town Board has accepted the resignation of the individual previously appointed to lead the operations of the Pendleton Station Market and it is necessary to appoint a successor to this position.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of January 2024 that Christa Durshordwe is appointed to the position of Seasonal Help - Clerical and shall be compensated at a rate of \$150.00 per week, with a total amount of compensation for 2024 not to exceed \$4,500.00. This resolution shall take effect immediately.

RESOLUTION 14-24

ADA ACCESSIBLE DOOR INSTALLATION

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 Hall owned and operated by the Town of Pendleton houses multiple offices open to the public during scheduled hours; and

WHEREAS, it is incumbent on the Town of Pendleton to maintain proper access to the Town Hall for all who endeavor to enter the building; and

WHEREAS, the Town Engineer has directed efforts to identify actions that can be taken to improve access to the Town Hall as well as acquire appropriate bids for this work.

WHEREAS, attempts at three (3) quotes for installation of accessible entry door equipment and hardware are summarized as follows:

Imperial Door Controls, Inc.:	\$6,790.00
Aurora Door & Window, LLC:	\$7,052.49
Kelly Bros.:	No quote

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of January 2024 that the quote from Imperial Door Controls, Inc. for \$6,790.00 for installation of door hardware equipment on the main entrance door at the Town Hall is accepted pending confirmation of proper pricing. This resolution shall take effect immediately.

ORGANIZATION – FISCAL - AUTHORIZATIONS

RESOLUTION 15-24

OFFICIAL DEPOSITORY

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 8th day of January 2024, that Evans Bank, headquartered in Hamburg, New York, is designated an authorized depository for 2024.

RESOLUTION 16-24

OFFICIAL TOWN NEWSPAPER

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 8th day of January 2024, to designate the Union Sun & Journal as the town's official newspaper.

RESOLUTION 17-24

PETTY CASH FUNDS

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 8th day of January 2024, to establish the following petty cash funds: Town Clerk: \$250.00 and Tax Collector: \$300.00.

RESOLUTION 18-24

MEETING DATES

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 8th day of January 2024, to schedule the Regular Town Board Meetings for the second Monday of each month at 7:00 p.m.

RESOLUTION 19-24

PAYROLL

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 8th day of January 2024, to pay the following employees on a **bi-weekly** basis: Supervisor, Town Clerk, Assessor, Highway and Water/Sewer Superintendent, Highway, Water and Sewer Department personnel, Building Inspectors, Town Attorney, Supervisor's Secretary, general clerks, laborers, justice clerks, Planning Board Administrative Assistant, and Town Constables; **quarterly**: Deputy Town Supervisor, Town Justices, Councilmen, Dog Control Officer and Recreation Director; and **annually**: Planning Board, Zoning Board of Appeals, Conservation Advisory Council, Board of Assessment Review, Registrar of Vital Statistics, Budget Officer and Town Historian.

RESOLUTION 20-24

APPOINTMENT OF TOWN ENGINEER

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 8th day of January 2024, to reappoint Dave Britton of Nussbaumer and Clarke, Inc. as Town Engineer.

RESOLUTION 21-24

APPOINTMENT OF PLANNING BOARD MEMBER

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 8th day of January 2024, to appoint Nick Kwasniak to a seven-year term on the Planning Board.

RESOLUTION 22-24

APPOINTMENT OF CONSERVATION ADVISORY COUNCIL MEMBERS

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 8th day of January 2024, to appoint Tobias Fronmuller, Jessica Glaser, and Andrew Harrison to a one-year term each on the Conservation Advisory Council.

RESOLUTION 23-24

APPOINTMENT OF ZONING BOARD OF APPEALS MEMBER

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 8th day of January 2024, to appoint James Churchill to a five-year term on the Zoning Board of Appeals.

RESOLUTION 24-24

APPOINTMENT OF PLANNING BOARD CHAIRPERSON

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 8th day of January 2024, to appoint Joe McCaffrey as chairperson of the Planning Board.

RESOLUTION 25-24

APPOINTMENT OF ZONING BOARD OF APPEALS CHAIRPERSON

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 8th day of January 2024, to appoint Nicholas Graves as chairperson of the Zoning Board of Appeals.

RESOLUTION 26-24

APPOINTMENT OF CONSERVATION ADVISORY COUNCIL CHAIRPERSON

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 8th day of January 2024, to appoint Tobias Fronmuller as chairperson of the Conservation Advisory Council.

RESOLUTION 27-24

APPOINTMENT OF PLANNING BOARD ADMINISTRATIVE AND SECRETARY

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 8th day of January 2024, to reappoint John Higgins as the Planning Board Administrative Assistant and Secretary.

RESOLUTION 28-24

APPOINTMENT OF REGISTRAR OF VITAL STATISTICS

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 8th day of January 2024, to reappoint Town Clerk Deborah Maurer as Registrar of Vital Statistics to coincide with her term as Town Clerk.

RESOLUTION 29-24

APPOINTMENT OF RECORDS MANAGEMENT OFFICER

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 8th day of January 2024, to reappoint Town Clerk Deborah Maurer as Records Management Officer to coincide with her term as Town Clerk.

RESOLUTION 30-24

APPOINTMENT OF INVESTIGATOR OF BINGO AND GAMES OF CHANCE

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 8th day of January 2024, to reappoint Town Clerk Deborah Maurer as Investigator of Bingo and Games of Chance to coincide with her term as Town Clerk.

RESOLUTION 31-24

APPOINTMENT OF MARRIAGE OFFICER

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 8th day of January 2024, to reappoint Town Clerk Deborah Maurer as Marriage Officer to coincide with her term as Town Clerk.

RESOLUTION 32-24

APPOINTMENT OF DEPUTY TOWN CLERKS

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 8th day of January 2024, to reappoint Noreen Lemma as First Deputy Town Clerk and Kimberly Frey as second Deputy Town Clerk for one-year terms.

RESOLUTION 33-24

APPOINTMENT OF DEPUTY REGISTRAR OF VITAL STATISTICS

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 8th day of January 2024, to reappoint Noreen Lemma as Deputy Registrar of Vital Statistics for a one-year term.

RESOLUTION 34-24

APPOINTMENT OF DEPUTY TAX COLLECTOR

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 8th day of January 2024, to reappoint Noreen Lemma as Deputy Tax Collector for a one-year term.

RESOLUTION 35-24

APPOINTMENT OF DEPUTY HIGHWAY SUPERINTENDENT

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 8th day of January 2024, to reappoint Peter Bayer as Deputy Highway Superintendent until rescinded.

RESOLUTION 36-24

APPOINTMENT OF STORMWATER MANAGEMENT OFFICER (SMO)

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 8th day of January 2024 to reappoint Building Inspector Ronald Diedrich as the Town's Stormwater Management Officer until rescinded.

RESOLUTION 37-24

AUTHORIZATION FOR CODE ENFORCEMENT OFFICER TO PROCEED WITH ISSUING VIOLATIONS FOR NOT MAINTAINING GRASS

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 8th day of January 2024, to authorize the Building Inspector/Code Enforcement Officer to proceed for the work to be done, with the expense to be assessed upon the affected properties, and the assessment constituting a lien and charged upon such properties providing that notice has been given, and no response or action was taken by the home owner to control brush, grass and/or weeds.

RESOLUTION 38-24

AUTHORIZATION FOR MILEAGE REIMBURSEMENT

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 8th day of January 2024, to authorize mileage reimbursement to be paid, as outlined in the Town's Vehicle Use Policy.

RESOLUTION 39-24

CODE OF ETHICS

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 8th day of January 2024, to renew the current Code of Ethics.

RESOLUTION 40-24

SEXUAL HARASSMENT POLICY

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 8th day of January 2024, to renew the current Sexual Harassment Policy.

RESOLUTION 41-24

WORKPLACE VIOLENCE POLICY

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 8th day of January 2024, to renew the current Workplace Violence Policy.

RESOLUTION 42-24

AUTHORIZATION FOR SUPERVISOR

Motion by Councilman Lombardo, 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 8th day of January 2024, to authorize the Supervisor to invest surplus monies pursuant to Town Law, pay principal and interest on debts, pay utility and necessary bills prior to audit.

RESOLUTION 43-24

AUTHORIZE HIGHWAY SUPERINTENDENT

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 8th day of January 2024, to authorize the Highway Superintendent to purchase stone, fuel, oil, culvert pipe, etc., within budget, at County prices.

RESOLUTION 44-24

PURCHASE OF WATER FROM NIAGARA COUNTY

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 of Pendleton Water Department provides water service to all properties located within the Town's borders; and

WHEREAS it is necessary for the Town of Pendleton to purchase water from the Niagara County Water District; and

WHEREAS invoices for the purchase of water from the Niagara County Water District may require approval by the Town Board per the Town's procurement policy adopted January 8, 2024;

NOW, THEREFORE, BE IT RESOLVED that the Water Superintendent or Deputy Water Superintendent may submit vouchers for payment of invoices for water purchased from the Niagara County Water District without delay for approval of the Town Board for the 2024 budget year and such payment issued with the next payment cycle.

RESOLUTION 45-24

PURCHASE OF WATER FROM NEIGHBORING TOWNS

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 of Pendleton Water Department provides water service to all properties located within the Town's borders; and

WHEREAS it is necessary for the Town of Pendleton to purchase water from the Towns of Cambria, Lockport, and Wheatfield for water supply for select properties serviced by the Town; and

WHEREAS quarterly expenditures for the purchase of water from neighboring towns may require approval by the Town Board per the Town's procurement policy adopted January 8, 2024;

NOW, THEREFORE, BE IT RESOLVED that the Water Superintendent or Deputy Water Superintendent may submit vouchers for payment of invoices for water supplied by the Towns of

Cambria, Lockport, and Wheatfield without delay for approval of the Town Board for the 2024 budget year and such payment issued with the next payment cycle.

RESOLUTION 46-24

PROCUREMENT OF ROAD SALT

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

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

WHEREAS winter road maintenance is an essential duty of the Town of Pendleton Highway Department; and

WHEREAS rock salt is an essential material used in the performance of winter road maintenance; and

WHEREAS the Town of Pendleton may procure rock salt from American Rock Salt Company LLC at a price set by the New York State Office of General Services – Procurement Services;

NOW, THEREFORE, BE IT RESOLVED that the Highway Department may procure during the 2024 budget year up to the estimated amount of 2640 tons of rock salt from American Rock Salt Company LLC at the price set by the New York State Office of General Services – Procurement Services.

RESOLUTION 47-24

APPOINTMENT OF DEPUTY WATER AND SEWER SUPERINTENDENT

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 8th day of January 2024, to reappoint Lucas Frew as Deputy Water and Sewer Superintendent until rescinded.

RESOLUTION 48-24

ANNUAL MEMBERSHIPS

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 8th day of January 2024, to authorize annual membership for the Town of Pendleton for the following:

- o American Water Works Association (AWWA)
- o Association of Public Historians of New York (APHNY)
- o New York Planning Federation (NYPF)
- o New York State Assessors Association (NYSAA)
- o New York State Association of Magistrates Court Clerks (NYSAMCC)
- o New York State Magistrates Association (NYSMA)
- o New York State Association of Tax Receivers and Collectors (NYSATRC)
- o New York State Association of Towns (NYSAT)
- o New York State Association of Town Superintendents of Highways, Inc. (NYSATSOH)
- o New York State Town Clerk's Association (NYSTCA)
- o Niagara County Assessors Association (NCAA)
- o Niagara County Association of Town Superintendents of Highways, Inc. (NCAOTSOH)
- o Niagara County Municipal Clerks Association (NCMCA)
- o Niagara County Supervisors Association (NCSA)

RESOLUTION 49-24

YEARLY AGREEMENTS

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 8th day of January 2024, to authorize the Supervisor to sign the following yearly agreements:

- Wendelville Fire Company, Inc. – Fuel Purchase
- Niagara Community Action Program (NIACAP)

RESOLUTION 50-24

FACILITIES USAGE AGREEMENT - BSA TROOP 98

Motion by Councilman Lombardo, 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 8th day of January 2024, to approve the Facilities Usage Agreement for the organization known as BSA Troop 98 contingent upon the Highway Superintendent providing the necessary accommodations.

BOARD MEMBERS DISCUSSION

Supervisor Maerten noted that the following meetings have been scheduled:

- Work Session - not scheduled for January
- Regular Meeting - February 12, 2024 at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

A resident asked about the status of the WIAA grant application and was told that the town was not accepted. She had additional questions about the modified contract for the Wendelville Fire Company and asked the Town Clerk to add the Community Center change orders, that were adopted at the meeting, to the agenda page on the website.

A different resident stated that she would like to know what the procedures are for speaking at public meetings and asked that the statement regarding “three minutes per person” be added to the work session agendas. She also asked questions about the town’s Investment Policy and the WIAA grant application.

Another resident and former employee spoke to the Town Board and Town Clerk about her disappointment in not being reappointed as Deputy Town Clerk.

A resident spoke in support of the former Deputy Town Clerk and of other matters of importance to her.

Lastly, one person asked if the town had a water billing clerk and was informed that it does.

Motion by Councilman Hickman, seconded by Councilman Lombardo, to adjourn from the Regular Meeting at 8:15 p.m. Motion carried.

Deborah K. Maurer, Town Clerk