

**TOWN OF PENDLETON  
PUBLIC HEARING & REGULAR MEETING  
May 13, 2024**

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 May 2024 at 7:00 p.m.

**PUBLIC HEARING**

**PUBLIC HEARING - PROPOSED LOCAL LAW NO. \_\_ OF THE YEAR 2024 TO AMEND TOWN CODE SECTION 235-4 SECTION A TO INCLUDE SUBSECTIONS (6), (7) AND (8) PARKING RESTRICTIONS**

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on May 7, 2024 and on the Town's website.

Supervisor Maerten opened the Public Hearing at 7:02 p.m.

The purpose of this public hearing was to allow public comment on said Local Law to add the following subsections (6), (7) and (8) to the Pendleton Town Code Section 235-4 A General Provisions;

- (6) The North side of Beach Ridge Road for a distance of 60 feet East from the stop sign at the approximate intersection of Beach Ridge Road and Townline Road; and
- (7) The South side of Beach Ridge Road for a distance of 60 feet East from the approximate intersection of Beach Ridge Road and Townline Road; and
- (8) The East side of Townline Road for a distance of 100 feet North from the approximate intersection of Townline Road and Beach Ridge Road.

A copy of the proposed Local Law was made available at the Pendleton Town Hall and on the Town of Pendleton Website.

Supervisor Maerten opened up the floor to the public.

There were no questions or comments from the public.

Motion made by Councilman Leible, seconded by Councilman Lombardo, to close the Public Hearing at 7:03 p.m. Motion carried.

**REGULAR MEETING**

Supervisor Maerten called the meeting to order at 7:03 p.m.

Supervisor Maerten read the invocation and the salute to the flag.

Roll Call:

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

Also present:

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

There were 14 residents in attendance, seven of which were Starpoint students.

## AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

The following change was made to the agenda:

- Delete Agenda Item #1 - Local Law No. \_\_\_ of The Year 2024, to Amend Town Code Section 235-4 Section A to Include Subsections (6), (7) and (8) Parking Restrictions

## PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident asked questions about the proposed resolution for the Fee for Digital Storage Device, wanting to know if a resident can provide their own, unopened, USB storage device rather than be charged a fee. She also had questions related to the proposed resolutions for the 2024 WIIA Application and the Commitment to the ARPA Funds.

There were no other public remarks or comments on the agenda items.

## ROUTINE BUSINESS

RESOLUTION 144-24

### MEETING MINUTES - APRIL 15, 2024

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that the meeting minutes for the Regular Meeting held on April 15, 2024, are approved as presented by Town Clerk Maurer.

RESOLUTION 145-24

### MEETING MINUTES - APRIL 23, 2024

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that the meeting minutes for the Special Meeting held on April 23, 2024, are approved as presented by Deputy Town Clerk Lemma.

RESOLUTION 146-24

### ABSTRACT #8

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, to authorize payment of Voucher Abstract #8, Vouchers #24-00376 to #24-00427 which was paid on April 24, 2024 as follows:

General	\$	28,705.65
Highway	\$	20,361.81
Capital	\$	10,755.00
Sewer	\$	11,865.65
Water	\$	50,279.52
Total	\$	121,967.63

RESOLUTION 147-24

### ABSTRACT #9

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, to authorize payment of Voucher Abstract #9, Vouchers #24-00428 to #24-00499 to be paid on May 15, 2024 as follows:

General	\$	42,622.45
Highway	\$	4,504.96
Capital	\$	189,784.35
Refuse	\$	45,451.36
Sewer	\$	10,709.64
Water	\$	3,375.15
Total	\$	296,447.91

## OTHER REPORTS

**Supervisor Maerten** reported that the sales tax collected for March 2024 was \$218,543.94. This is an increase of \$1,149.49 compared with March 2023. The year to date received is \$609,700.98 which is an increase of \$10,829.30 from 2023.

Supervisor Maerten also explained why the proposed local law regarding parking restrictions on Beach Ridge Road was removed from the agenda. He said that he and Councilman Lombardo met with some members of the Planning Board who stated that the owners of the Country Cottage Restaurant presented a proposal that might help alleviate the parking problem. Mr. Maerten encouraged the Town Board members to reach out to either him or the Planning Board to discuss this further.

**Councilman Leible** stated that the newsletter articles are due on May 15<sup>th</sup>.

**Councilman Hickman** had nothing to report.

**Councilmen Lombardo** had nothing to report.

**Attorney Joerg** had nothing to report.

**Engineer Britton** stated that the public survey regarding the Master Plan Update is expected to go live by the end of the week. He also reported that due to a new permit being issued in January 2024, there will be no MS4 Annual Stormwater Report published this year.

## DEPARTMENT HEADS

**Town Clerk Maurer** reported that monthly reports were received from the Assessor, Building Inspector/Code Enforcement Officer, and Highway Superintendent. These reports, along with the monthly reports for the Town Clerk and Water/Sewer collection, were posted online with the agenda documents. Mrs. Maurer informed the Board of the following monies received and collected in the month of March:

Total State, County and Local Revenues	\$	19,064.49
Water/Sewer Collection	\$	4,735.21

She also stated that she, along with the newly appointed Recreation Director, Patrick Covell, launched the 2024 Summer Recreation Program's online registration on April 30<sup>th</sup>. She noted that 143 of the 180 participants were registered by the end of the day on May 1<sup>st</sup>.

Lastly, Mrs. Maurer announced that the Pendleton Veterans Association is holding its annual Armed Forces Day Flag Sale on Friday, May 17<sup>th</sup> from 1:00 p.m. - 5:00 p.m. and Saturday, May 18<sup>th</sup> from 9:30 a.m. - 4:00 p.m. She also reported that the Pendleton Lions Club will be hosting their annual Senior Dinner on Sunday, May 19<sup>th</sup>, beginning at 4:00 p.m., at the Wendelville Fire Hall. This event is open to all Pendleton residents age 62 and over.

**Highway and Water/Sewer Superintendent Fischer** read aloud the Highway Department Monthly Report from April which stated that they chipped brush, serviced mowing equipment, mowed trail heads, groomed baseball diamonds and removed snow plow stakes. He also reported that his department repaired plow damage on residential parcels, removed the plow equipment from trucks, patched potholes, installed culvert pipes and cleaned ditches.

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

## NEW BUSINESS

Agenda Item #1 - Local Law No. \_\_ of The Year 2024, to Amend Town Code Section 235-4 Section A to Include Subsections (6), (7) and (8) Parking Restrictions, was deleted from the agenda.

### RESOLUTION 148-24

#### **FACILITIES USAGE AGREEMENT - BUFFALO NIAGARA YMCA**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, to approve the Facilities Usage Agreement for the organization known as Buffalo Niagara YMCA.

### RESOLUTION 149-24

#### **FACILITIES USAGE AGREEMENT - BUFFALO BOMB SQUAD**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, to approve the Facilities Usage Agreement for the organization known as Buffalo Bomb Squad pending the Supervisor's approval of the insurance.

### RESOLUTION 150-24

#### **FACILITIES USAGE AGREEMENT - PCUMC**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, to approve the Facilities Usage Agreement for the organization known as Pendleton Center United Methodist Church pending approved insurance.

### RESOLUTION 151-24

#### **FACILITIES USAGE AGREEMENT - NIAGARA COUNTY HEALTH DEPARTMENT**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, to approve the Facilities Usage Agreement for the Niagara County Health Department Early Intervention Program.

### RESOLUTION 152-24

#### **WAIVER OF PAVILION FEES - STARPOINT**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that the fees for the use of the Town Park pavilions on June 17, 2024 and June 18, 2024 by Starpoint Central School District are waived. This resolution shall take effect immediately.

### RESOLUTION 153-24

#### **WAIVER OF PAVILION FEES - NIAGARA COUNTY HEALTH DEPARTMENT**

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

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

Absent 1 Buechler

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that the fee for the use of a Town Park pavilion on August 16, 2024 by Niagara County Early Intervention is waived. This resolution shall take effect immediately.

RESOLUTION 154-24

**DASNY GRANT FUNDS - DEPEAU PARK UPGRADES**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

WHEREAS, the Town of Pendleton operates and maintains Depeau Park, which is located on Tonawanda Creek Road near the intersection of Irish Road; and

WHEREAS, public facilities located in Depeau Park include tennis courts and a roller hockey court; and

WHEREAS, these facilities are in need of upgrades to allow for continued future public use; and

WHEREAS, funding is available to the Town of Pendleton for the required maintenance and these funds are administered by the Dormitory Authority of the State of New York (DASNY); and

WHEREAS, proper documentation must be submitted to DASNY for final approval of the proposed project.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024 that the Supervisor, Town Clerk, and Town Attorney are authorized to sign and submit the required Diligence Letter for this grant project; and

FURTHER, BE IT RESOLVED, that the Town Board accepts grant funding, upon final approval by DASNY, in the amount of \$75,000.00 for the outlined work on facilities located in Depeau Park. This resolution shall take effect immediately.

RESOLUTION 155-24

**COMMUNITY CENTER CHANGE ORDER - PC-3**

Motion by Councilman Leible, seconded by Supervisor Maerten, the following resolution was

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

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 PC-3 related to Additional Fire Protection Requirements for Dry Heads Above Ceiling has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that proposed Change Order PC-3, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 156-24

**COMMUNITY CENTER CHANGE ORDER - EC-8**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

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 EC-8 related to the addition of lighting to the mezzanine mechanical space has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that proposed Change Order EC-8, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 157-24

**COMMUNITY CENTER CHANGE ORDER - EC-9**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

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 EC-9 related to the relocation of the electrical distribution equipment has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that proposed Change Order EC-9, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 158-24

**COMMUNITY CENTER CHANGE ORDER - GC-14**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

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 GC-14 related to the addition of a stone wainscot cap has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that proposed Change Order GC-14, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 159-24

**COMMUNITY CENTER CHANGE ORDER - GC-15**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

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 GC-15 related to Building Drainage for Roof Leaders is recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that proposed Change Order GC-15, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 160-24

**COMMUNITY CENTER CHANGE ORDER - GC-16**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

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 GC-16 related to Steel Rod (Finial) Size Change and Interior Framing for MEP is recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that proposed Change Order GC-16, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 161-24

**COMMUNITY CENTER CHANGE ORDER - GC-17**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

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 GC-17 related to Additional Staircase in Room 112 is recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that proposed Change Order GC-17, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 162-24

**COMMUNITY CENTER CHANGE ORDER - GC-18**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

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 GC-18, related to Utility Room 105A move, is recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that proposed Change Order GC-18, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

Next, Engineer Britton informed the Town Board that change order GC-19, which is for a proposed Ruff Cut Timber Truss to be constructed at the carport-building entrance, is a cosmetic upgrade and not necessarily required. There were no motions made to accept this change order.

RESOLUTION 163-24

**SEXUAL HARASSMENT POLICY**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that the Sexual Harassment Policy, as presented to the Town Board, is approved. This resolution shall take effect immediately.

RESOLUTION 164-24

**2024 WIAA APPLICATION**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

WHEREAS, the Town of Pendleton, after thorough consideration of the various aspects of the problem and review of available data, has hereby determined that certain work, as described in the Campbell Boulevard Water Main map, plan and report, to address the repair and maintenance of the Campbell Boulevard Water Main Replacement, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project and address said compliance requirements; and

WHEREAS, the NYS Environmental Facilities Corporation (EFC) authorizes State assistance to municipalities for drinking water quality improvement projects by means of a contract, and the Town of Pendleton deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT RESOLVED, by the Pendleton Town Board this 13<sup>th</sup> day of May 2024, that:

1. Supervisor Joel Maerten, or his representative or successor in office, is the representative authorized to act on behalf of the Pendleton Town Board in all matters related to State assistance under the New York State Environmental Facilities Corporation (EFC) and/or any applicable State grant provisions.
2. The Supervisor, or his representative, is authorized to make an application in the amount of \$1,886,000 which the Town is requesting 60% of the total project cost in grant funding (\$1,131,600);
3. The Pendleton Town Board hereby authorizes matching funds to cover the Town's portion of the cost of the Project, not to exceed 40% of the total project cost (\$754,400);
4. The Pendleton Town Board agrees to fund its portion of the cost of the Project by way of a General Obligation Bond or a series of Bond Anticipation Notes, and that funds will be made available to initiate the Project efforts within 12 months of written approval of its application by the NYS Department of Health and the New York State Environmental Facilities Corporation authority;
5. The one certified copy of this Resolution be prepared and submitted with the electronic WIAA grant application to the NYS Environmental Facilities Corporation; and
6. This Resolution takes effect immediately.



RESOLUTION 165-24

**ZONING BOARD OF APPEALS APPOINTMENT**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, to appoint Harold McLellan to fulfill the balance of a five-year term which will expire on December 31, 2027.

RESOLUTION 166-24

**FEE FOR DIGITAL STORAGE DEVICE**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that the Town Clerk is authorized to charge a fee of \$3.20 for the cost of a digital storage device to provide files in response to Freedom of Information Act (FOIA) and Freedom of Information Law (FOIL) requests requiring such a device. This resolution shall take effect immediately.

RESOLUTION 167-24

**RESIGNATION - DEPUTY TOWN CLERK**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that the resignation of Julie Butler is effective May 6, 2024. This resolution shall take effect immediately.

RESOLUTION 168-24

**SUMMER RECREATION PROGRAM EMPLOYEES**

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

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

WHEREAS, the Town of Pendleton plans and implements an annual summer recreation program for community youth; and

WHEREAS, the Town's Summer Recreation Program is coordinated and managed by the Recreation Director, who is appointed by the Town Board; and

WHEREAS, the Recreation Director relies on the efforts of seasonal employees hired for multiple position titles to assist with all-aspects of the operation of the Summer Recreation Program; and

WHEREAS, the Town Board approved advertisement of multiple position titles for the Summer Recreation Program at the December 11, 2023 meeting; and

WHEREAS, the Recreation Director has requested approval of compensation rates for titles associated with the Summer Recreation Program and appointment of individuals to multiple position titles.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that the following compensation rates are approved for multiple position titles for the Summer Recreation Program:

- Swimming Pool Director: \$26.00 per hour.
- Lifeguard: \$17.00 per hour.
- Recreation Leader: \$16.00 per hour.
- Assistant Recreation Director: \$19.00 per hour.

FURTHER, BE IT RESOLVED, that the following appointments for the Summer Recreation program are approved upon approval of Niagara County civil service applications:

**Assistant Recreation Director**

Jaclyn Foulis

**Recreation Leaders (Counselors)**

Jenna Kanel

Arden Moeller

Madison Beckman

Emilie Vieaux

Norah Marriner

Brady Hathaway

Olivia Swanson

Tyler Milleville

**Swimming Pool Director**

Carrie Ciraolo

**Lifeguards**

Diega Ciraolo

Dominic Ciraolo

Vincent Ciraolo

Hayden Schuler

Hannah Chronister

Payton Trimble

This resolution shall take effect immediately.

RESOLUTION 169-24

**NYSLRS RECORD OF ACTIVITIES - M. WALL**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

WHEREAS, the Town Board did approve a resolution authorizing the posting for the part-time position of Summer Recreation Director at the February 26, 2024 reorganization meeting; and

WHEREAS, the Town Board appointed Monica Wall to this position on March 11, 2024; and

WHEREAS, the incumbent in this position is entitled to join the New York State Local Retirement System and therefore must maintain a record of hours worked for pension reporting purposes.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that Monica Wall is approved to use a Record of Activities (ROA) form for pension reporting purposes. This resolution shall take effect immediately.

RESOLUTION 170-24

**NYSLRS RECORD OF ACTIVITIES - P. COVELL**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

WHEREAS, the Town Board did approve a resolution approving a posting for the part-time position of Recreation Director at the January 8, 2024 reorganization meeting; and

WHEREAS, the Town Board appointed Patrick Covell to this position on March 11, 2024; and

WHEREAS, the incumbent in this position is entitled to join the New York State Local Retirement System and therefore must maintain a record of hours worked for pension reporting purposes.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that Patrick Covell is approved to use a Record of Activities (ROA) form for pension reporting purposes. This resolution shall take effect immediately.

RESOLUTION 171-24

**COMMITMENT OF ARPA FUNDS**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

WHEREAS, the Town of Pendleton received American Rescue Plan Act – State and Local Fiscal Recovery Funds (ARPA-SLFRF); and

WHEREAS, the current balance of unallocated funds is \$74,316; and

WHEREAS, it is necessary to commit these funds to an appropriate project.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that the American Rescue Plan Act – State and Local Fiscal Recovery Funds (ARPA-SLFRF) funding balance of \$74,316 is hereby committed to the Community Center project. This resolution shall take effect immediately.

RESOLUTION 172-24

**SCHEDULE PUBLIC HEARING - JUNE 10, 2024**

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

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

TOWN OF PENDLETON LOCAL LAW NO. \_\_ OF THE YEAR 2024

A LOCAL LAW ENTITLED:  
“A LOCAL LAW TO AMEND  
TOWN CODE SECTION 191-6, 191-7 and 191-8”

WHEREAS, The Town of Pendleton hereby proposes a Local Law, pursuant to the New York Municipal Home Rule Law, the New York State Town Law, to repeal and amend the Pendleton Town Code, Sections 191-6, 191-7 and 191-8 relative to the use of “All-terrain vehicles”, “ATV” (i.e. any self-propelled vehicles which are manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways), motorcycles, cars, jeeps, trucks or any other motorized vehicles on those properties of the Town of Pendleton in the Town of Pendleton; and

WHEREAS, the Town of Pendleton owns and maintains properties located in multiple locations of the Town, and

WHEREAS, the Town of Pendleton owns and maintains a multiple use trail that traverse the Town from Townline Road to Lockport Road, crossing Killian Road, Meyer Road, Campbell Boulevard, Feigle Road, and Mapleton Road (the “Limited Multiple Use Trail”), and

WHEREAS, historically this Limited Multiple Use Trail has been open to use for activities that include, but are not limited to, walking, bicycling, horseback riding, and operation of all-terrain vehicles (ATV) and snowmobiles, and

WHEREAS, increased use of the Town’s Limited Multiple Use Trail has led to increased safety concerns, and

WHEREAS, in response to such safety concerns, on April 26, 2021, the Town Board of the Town of Pendleton adopted a Local Law which restricted the use of All-Terrain Vehicles on the public lands, owned by the Town of Pendleton; such provisions were adopted by the Town Board in the 2023 revisions to the Pendleton Town Code at Article III. All-Terrain Vehicles, Sections 191-6 through section 191-8.

WHEREAS, despite such 2021 restrictions on the use of All-Terrain vehicles on the public lands in the Town of Pendleton, the safety concerns have increased in scope and magnitude, and as a result thereof, it has been determined by the Town Board of the Town of Pendleton that the increased activity of motorized vehicles on the Town-owned and maintained Limited Multiple Use Trail is of foremost importance to be addressed, and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, hereby schedules a Public Hearing for the 10<sup>th</sup> day of June, 2024 at 6:55

pm for the repeal of Sections 191-6 of the Town Code, the amendment of Sections 191-7 and 191-8 of the Town Code, and the adoption of this Ordinance to be included in such Code concerning the operation of “All-terrain vehicle” or “ATV” as more fully set forth in the provisions of New York Vehicle and Traffic Law § 2286, motorcycles, cars, jeeps, trucks or any other motorized vehicles on those properties of the Town of Pendleton or on any and all properties owned by the Town of Pendleton,

AND BE IT FURTHER RESOLVED, that such Public Hearing shall include, but not be limited to, the repeal of Section 191-6 of the Town Code of the Town of Pendleton in all respects, and the adoption of the following provision to replace the Section 191-6 which has been repealed; Section 191-6 of the Town Code of the Town of Pendleton shall hereinafter provide as follows:

Section 191-6 Use of All terrain vehicles, or any other motorized vehicles on Town Property.

Pursuant to N.Y. Veh. & Traf. Law § 2403 (2) the operation of “All-terrain vehicle”, “ATV” (i.e. any self-propelled vehicles which are manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways), motorcycles, cars, jeeps, trucks or any other motorized vehicles on those properties of the Town of Pendleton are **prohibited** on any and all Town of Pendleton properties [except for those entrances and parking areas which have been specifically created for use by licensed motor vehicles]. This prohibition shall not include and/or prohibit the use of a “snowmobile” or other self-propelled vehicle manufactured for off-highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats which utilize an endless belt tread on any and all Town of Pendleton properties during those periods when the snowmobile trails in the Town of Pendleton are designated as “open,” such use shall not commence prior to the end date of the big game hunting season preceding the opening of the trails.

AND BE IT FURTHER RESOLVED, that Section 191-7 of the Town Code of the Town of Pendleton shall further be amended to include a sub-section [b], Section 191-7 of the Pendleton Town Code shall hereinafter provide as follows:

Section 191-7 Penalties for Offenses

- A. The initial violation of this ordinance shall be punishable by a minimum fine of not less than \$100.00 and a maximum fine not to exceed \$500.00.
- B. Any and all subsequent violations of this ordinance shall be punished by a fine of not less than \$1000.00.

AND BE IT FURTHER RESOLVED that Section 191-8 of the Town Code of the Town of Pendleton is hereby amended and hereinafter provide as follows:

Section 191-8

This Ordinance as revised at section 191-6 and amended at Section 191-7 shall take effect immediately upon its filing with the Secretary of State.

RESOLUTION 173-24

**AWARD CONTRACT FOR JCAP GRANT**

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

ADOPTED: Ayes 4 Maerten, Hickman, Leible, Lombardo

Nays 0

Absent 1 Buechler

WHEREAS, the Town of Pendleton was awarded a grant through the 2023-24 cycle of the Justice Court Assistance Program (JCAP); and

WHEREAS, this grant funding was accepted by resolution of the Town Board on March 11, 2024; and

WHEREAS, it is necessary to advertise a Request for Proposals for specific work detailed in the grant application; and

WHEREAS, necessary Request for Proposal documentation has been presented to the Town Board.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13<sup>th</sup> day of May 2024, that advertisement for Requests for Proposals for specific work detailed in the approved grant application is authorized as detailed in the attached Request for Proposals.

FURTHER, BE IT RESOLVED, that the Requests for Proposals will be made available on May 14, 2024, and all proposals are to be submitted to the Town Clerk by 3:00 pm local time on May 27, 2024, with the proposals publicly opened and read aloud at 3:05 pm. This resolution shall take effect immediately.

#### **BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that the next Town Board Regular Meeting will be held on June 10, 2024 at 7:00 p.m. This meeting will be preceded by a Public Hearing beginning at 6:55 p.m. There is no May Work Session scheduled at this time.

#### **PUBLIC REMARKS/COMMENTS**

A resident commented on the wording used in the resolution scheduling the Public Hearing on June 10<sup>th</sup>. Attorney Joerg provided clarification to the resident on this matter. She also thanked the Highway Department for doing a great job on the installation of a culvert pipe on her property.

Another resident asked a question about the USB storage device resolution and commented on the proposal to stop ATV use on the Town's trails. It was her belief that grant documents used for the multi-use trail included specific purposes that the trail could be used for. She would like to know if there is a way for the public to find out what the trail was originally created for.

Deputy Town Supervisor, Mark Walter, responded to her comment saying that the grant documents indicate that the path is to be used for non-motorized vehicles, biking, walking and horseback riding.

Motion by Councilman Leible, seconded by Councilman Hickman, to adjourn from the Regular Meeting at 7:45 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk