

**TOWN OF PENDLETON
PUBLIC HEARING & REGULAR MEETING
July 8, 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 8th day of July 2024 at 7:00 p.m.

**PUBLIC HEARING
REZONING REQUEST FOR SBL 136.00-1-46.2**

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on June 26, 2024 and on the Town's website.

Supervisor Maerten opened the Public Hearing at 6:59 p.m.

The purpose of this public hearing was to allow public input on a request to rezone SBL 136.00-1-46.2 from the current mixed zoning. The proposed change includes SBL 136.00-1-46.2 being rezoned to Light Commercial (CO-1) for the entirety of the parcel.

There were no questions or comments from the public.

Motion made by Councilman Leible, seconded by Councilman Buechler, to close the Public Hearing at 7:00 p.m. Motion carried.

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:00 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
David Britton - Town Engineer
Dave Fischer - Highway/Water & Sewer Superintendent
Ron Diedrich - Building Inspector/Code Enforcement Officer
Tom Valentine - Assessor
Mark Walter - Deputy Town Supervisor

There were 31 residents in attendance.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

No changes were made to the agenda.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

The first resident who spoke had questions regarding two vouchers included in Voucher Abstract #13: one for payment to OHOL Farms and another for the Pendleton Seniors trip. She also expressed concerns about the proposed local law to amend Town Code Sections 191-6, 191-7, and 191-8, and made a suggestion for the proposed Fee Schedule.

Next, a resident requested that the Town Board consider postponing the vote on the proposed local law to amend Town Code Sections 191-6, 191-7, and 191-8, suggesting that it be submitted to a public vote.

Another resident, who had attended the public hearing last month, spoke out against closing the multi-use trail to ATVs.

A Bear Ridge Road resident expressed support for keeping the trail open to ATVs and inquired about the number of complaints that have been filed regarding this issue.

One resident argued that closing the trail to ATVs would negatively impact local businesses financially and expressed hope that alternative solutions could be found.

Another resident noted that repairs are needed for the town-owned parking lot near Craft Coffee House, as its current condition is creating dangerous situations near the bike path.

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

ROUTINE BUSINESS

RESOLUTION 198-24

MEETING MINUTES - JUNE 10, 2024

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 July 2024, that the meeting minutes for the Regular Meeting held on June 10, 2024, are approved as presented by Town Clerk Maurer.

RESOLUTION 199-24

MEETING MINUTES - JUNE 17, 2024

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 July 2024, that the meeting minutes for the Work Session held on June 17, 2024, are approved as presented by Town Clerk Maurer.

RESOLUTION 200-24

ABSTRACT #12

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 July 2024, to authorize payment of Voucher Abstract #12, Vouchers #24-00613 to #24-00661 which was paid on June 26, 2024 as follows:

| | | |
|---------|----|------------|
| General | \$ | 18,187.26 |
| Highway | \$ | 13,271.54 |
| Capital | \$ | 153,458.13 |
| Refuse | \$ | 48,728.60 |
| Sewer | \$ | 3,416.89 |
| Water | \$ | 1,682.70 |
| Total | \$ | 238,745.12 |

RESOLUTION 201-24

ABSTRACT #13

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 July 2024, to authorize payment of Voucher Abstract #13, Vouchers #24-00662 to #24-00712 to be paid on July 10, 2024 as follows:

| | | |
|---------|----|------------|
| General | \$ | 155,690.27 |
| Highway | \$ | 82,419.90 |
| Capital | \$ | 2,250.00 |
| Sewer | \$ | 39,138.28 |
| Water | \$ | 2,755.91 |
| Total | \$ | 282,254.36 |

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for May 2024 was \$188,692.49. This is an increase of \$10,518.47 compared with May 2023. The year to date received is \$983,163.58, which is an increase of \$21,088.46 from 2023.

Supervisor Maerten also reported that he met with Budget Officer Tom Matuski to begin preparation of the 2025 budget. He stated that Mr. Matuski will be reaching out to department heads to set up meetings for the budget discussions.

Councilman Leible provided a brief recap of the July 4th celebration. He said that the fireworks and music were great, and that the magic show was awesome. Mr. Leible also stated that attendance was the highest he has seen in the past 20 years.

Councilman Lombardo had nothing to report.

Councilman Buechler provided updates from the Recreation Committee, stating that they fully support the proposed agreement between the Town and Buffalo Bomb Squad Sports, Inc. He mentioned that the committee is requesting to increase its membership from seven to ten members. Lastly, he reported that the Length of Service Award Program (LOSAP) audit has been submitted to the Town Clerk's office.

Councilman Hickman said that he agreed with Councilman Buechler's report from the Recreation Committee.

Attorney Joerg had nothing to report at this time.

Engineer Britton had nothing to report.

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.

Next, Mrs. Maurer informed the Board of the following monies received and collected in the month of June:

| | | |
|--|----|-----------|
| Total State, County and Local Revenues | \$ | 23,983.30 |
| Water/Sewer Collection | \$ | 52,985.21 |

Mrs. Maurer also reported that the Town is hosting the Niagara County Veterans Service Agency's mobile "Thank A Vet" program at the Town Hall on Tuesday, July 23rd from 12:00 p.m. until 6:00 p.m. Veterans will need to show a copy of their DD-214 Member 4 Copy or proof of honorable discharge and proof of Niagara County residency to be eligible for a discount card.

Highway and Water/Sewer Superintendent Fischer reported that the new Splash Pad is now open and has been quite busy. He stated that a few tweaks are needed but otherwise it is working out well.

Building Inspector Diedrich had nothing to report.

Assessor Valentine reported that the Final Assessment Roll was submitted to Niagara County at the end of June. He also stated that he has been out taking pictures of properties around Town to update the parcel records.

NEW BUSINESS

Dominic Campbell, from Boy Scout Troop 47, presented his proposal for a new informational trail kiosk to be situated at the intersection of the rail trail and Mapleton Road. The kiosk will provide historical information about the area, historically known as Hodgeville. He requested permission from the Town Board to develop this kiosk as part of his Eagle Scout Service Project.

RESOLUTION 202-24

EAGLE SCOUT PROJECT

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 July 2024, to authorize Dominic Campbell to complete his Eagle Scout Service Project for as presented to the Town Board.

RESOLUTION 203-24

REZONING REQUEST - 136.00-1-46.2

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

Nays 0

WHEREAS, the property owner or the property owner's representative did present plans for development of specific parcels of property located on Campbell Boulevard in the Town of Pendleton; and

WHEREAS, a portion of the properties detailed in the application under review by the Planning Board is improperly zoned for the proposed development; and

WHEREAS, the zoning of the parcel includes Light Commercial (CO-1) and Residential (R-2); and

WHEREAS, the Planning Board has recommended rezoning of this specific parcel to appropriate zoning, in anticipation of possible approval of the development of this specific parcel; and

WHEREAS, a public hearing was scheduled and advertised for July 8, 2024 for the requested property rezoning.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of July 2024, that the request to rezone SBL 136.00-1-46.2 from the current mixed zoning to Light Commercial (CO-1) for the entirety of the parcel is approved. This resolution shall take effect immediately.

LOCAL LAW NO. -- OF THE YEAR 2024 TO AMEND TOWN CODE SECTIONS 191-6, 191-7 AND 191-8

Supervisor Maerten asked if any Town Board member wanted to speak about the proposed local law. Councilman Leible initiated the conversation by suggesting that this agenda item be tabled until the end of the year to allow for the organization of a committee of volunteers to find solutions to the concerns of the town. Councilman Buechler reminded everyone of the liability to the Town and stated that only ten residents have registered for permits to ride on the trails. He admitted that most of the problems are committed by out-of-town, nonregistered riders and that it is difficult for the deputy sheriff to enforce the permit regulation. He also stated that he is in favor of forming a committee to rectify some of the reported issues. Councilman Lombardo expressed support for forming a committee and opposed closing the trail as a solution. Councilman Hickman agreed to table the decision on the local law but emphasized the need for formal agendas and meeting minutes. Supervisor Maerten agreed that the committee should report back to the Town Board. Councilman Leible volunteered to lead the committee. Councilman Lombardo inquired about

putting the vote on referendum for public input, but the Town Attorney indicated it was not feasible.

RESOLUTION 204-24

BUFFALO BOMB SQUAD SPORTS INC. 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 endeavors to provide athletic and recreational programming for resident families; and

WHEREAS, baseball and softball programs have historically been organized and implemented in the Town of Pendleton annually; and

WHEREAS, baseball and softball programs are currently organized by the Recreation Committee and volunteers working in conjunction with the Recreation Committee; and

WHEREAS, the Recreation Committee has recommended engaging in an agreement with an independent organization which has experience planning, organizing, and implementing baseball and softball programs; and

WHEREAS, such an agreement has been presented to the Town Board for consideration.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of July 2024, that the agreement between the Town and the Buffalo Bomb Squad, as presented, is approved. This resolution shall take effect immediately. **[This Resolution was later amended. See RESOLUTION 214-24]**

RESOLUTION 205-24

CHANGE OF TITLE - SUMMER RECREATION POSITION

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

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

WHEREAS, Sydney Labaugh was appointed to the position of Lifeguard at the June 10, 2024 meeting of the Town Board; and

WHEREAS, the Summer Recreation Program Director has requested a change of title for this individual to Recreation Leader.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of July 2024, that the action to appoint Sydney Labaugh to the position of Lifeguard is rescinded and this individual is appointed to the position of Recreation Leader effective July 1, 2024. This resolution shall take effect immediately.

RESOLUTION 206-24

APPOINTMENT OF SUMMER RECREATION EMPLOYEE

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 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 appointment of an individual to a specific title.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 8th day of July 2024, that Daniel Gavacs is appointed to the position of Lifeguard effective July 1, 2024. This resolution shall take effect immediately.

RESOLUTION 207-24

DECLARE EQUIPMENT SURPLUS

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 July 2024, that the following items are declared surplus and may be disposed of as appropriate:

- Dell monitors, serial numbers CN OKU789-71618-821-BBA3 and OKU789-71618-821-BBA5
- Brother Laser Fax Intellifax 2840, serial number U63274L7J517728
- Brother Fax/Scan/Copy MFC 7840W, serial number U62064G0N30357
- HP Printer Officejet Pro 9020, serial number TH96L 460W8

This resolution shall take effect immediately.

RESOLUTION 208-24

BUDGET TRANSFERS

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 July 2024 that the following budget transfers are approved:

| | |
|----------------|--|
| Transfer to: | Engineering - Salt Barn & Generator (A1440.0421), \$2,540.00 |
| Transfer from: | Engineer Solar (A1440.0419), \$2,540.00 |
| Transfer to: | Parks - Contractual (A7110.0400), \$384.00 |
| Transfer from: | Parks - Supplies (A7110.0400), \$384.00 |
| Transfer to: | Drainage - Pers. Service - Stormwater (A8540.0110), \$690.00 |
| Transfer from: | Drainage - Personnel Services (A8540.0100), \$690.00 |
| Transfer to: | Drainage - Contractual Expense (A8540.0400), \$173.00 |
| Transfer from: | Drainage - Personnel Services (A8540.0400), \$173.00 |
| Transfer to: | Town Hall - Town Hall Work (A1620.0120), \$7,440.00 |
| Transfer from: | Town Hall - Fixed Assets (A1620.0200), \$7,440.00 |

This resolution shall take effect immediately.

RESOLUTION 209-24

BUDGET AMENDMENT

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 July 2024, that the 2024 budget shall be amended to add budget line Farmers' Market - Supplies (A1989.450).

FURTHER, BE IT RESOLVED, that a transfer of \$2,250.00 from Farmer's Market (A1989.0400) to Farmers' Market - Supplies (A1989.0450) is approved. This resolution shall take effect immediately.

RESOLUTION 210-24

FEE SCHEDULE UPDATES

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 July 2024, that the updated fee schedule, as presented, is approved. This resolution shall take effect immediately.

Town of Pendleton Fee Schedule

| Type | Fee |
|---|--|
| Residential buildings* | |
| Single-Family Residence – 0 to 2,000 square feet | \$900 |
| Single-Family Residence – Over 2,000 square feet | \$900, plus \$0.35 per square foot over 2,000 |
| Two-Family Residence | \$1,200 |
| Multifamily Residence – 1 to 5 units | \$1,500 |
| Multifamily Residence – More than 5 units | \$1,500 plus \$25 additional per unit above 5. |
| New York State fee for new buildings with trusses | \$50 |
| Building Permit renewal (12 months) | Same as original fee |
| Miscellaneous structures/buildings/concrete (i.e., porches, gazebos, decks and patios) | \$90 |
| Fence, good side out | \$50 |
| Replacement roofing | \$75 |
| Generator | \$65 |
| Plumbing other than new home (e.g., sump pump, drain tile, hot water tank, furnace, etc.) | \$75 |
| Alterations or additions | |
| Up to 500 square feet | \$100 |
| 500 to 1,000 square feet | \$150 |
| More than 1,000 square feet | \$250 |
| Commercial and industrial buildings | |
| 0 to 1,000 square feet floor space* | \$500 |
| Over 1,000 square feet floor space* | \$500, plus \$0.35 per square foot over 1,000 |
| Alteration, repair, removal, etc. | \$0.25 per square foot |
| Change in occupancy | \$75 |
| Addition to commercial and industrial plumbing | \$50, plus \$25 per fixture |
| Generator, commercial | \$150 |
| Fence, commercial | \$100 |
| Roof, commercial | \$150 |
| Pool, commercial | \$500 |
| Demolition, commercial | \$250 |
| New York State fee for truss signage | \$50 |
| Commercial and industrial parking lot | |
| New | \$250 |
| Resurface | \$150 |
| Agricultural buildings | |
| 0 to 3,000 square feet | \$125 |
| 3,001 to 6,000 square feet | \$250 |
| Over 6,000 square feet | \$500 |
| Accessory Buildings | |
| Residential storage buildings/sheds (144 square feet or less) | \$25 |
| Residential Garage or barn (145 to 400 square feet) | \$50 |
| Residential Garage or barn over 400 square feet | \$0.15 per square foot |
| Commercial garage or barn | \$0.20 per square foot |
| Pools | |
| Aboveground pool and deck | \$50 |

| | |
|---|--|
| In-ground pool and fence | \$125 |
| Signs (temporary) | |
| 30-day permit | \$30 |
| 30-day-permit plus (maximum 90 days) | \$50 |
| Signs (permanent, new) | |
| 100 square feet (each face) | \$0.50 per square foot |
| Additional square feet (each face) | \$0.15 per square foot |
| Signs (alteration, reface, relocation or addition) | \$0.30 per square foot |
| Bed-and-Breakfast | |
| Special Use Permit application fee | \$300 |
| Special Use Permit annual renewal fee | \$300 |
| Code Enforcement Officer/Building Inspector annual inspection fee | \$50 |
| Certificates of Occupancy/Compliance | |
| Certificate of occupancy/compliance – Single- and Two-Family Residence | \$95 |
| Certificate of occupancy/Certificate of compliance – Multifamily Residence (3 or more units and sleeping rooms) | \$40 per unit |
| Certificate of occupancy/ Certificate of compliance – Commercial (per tenant) | \$150 |
| Certificate of occupancy/ Certificate of compliance – Industrial (per tenant) | \$150 |
| Copy of any Certificate of occupancy/ Certificate of compliance or license | \$10 each |
| Miscellaneous | |
| Compliance inspection | \$50 |
| Fire alarm system | \$75 |
| Demolition of structure – up to 3,000 square feet | \$125 |
| Demolition of structure – over 3,000 square feet | \$200 |
| Excavations or grading, other than building construction | \$65 |
| Fuel-burning stoves or fireplace (wood, gas, pellet, propane, etc.) | \$50 |
| Garage Sales and related sales (more than 2 per year) | \$275 |
| Home Occupation (Type B) permit, per year | \$200 |
| Operating Permit | \$150 |
| Floodplain development permit | \$150 |
| Additional inspections (recall, or not ready when inspectors were called) | \$50 per recall, paid before CO |
| To lift a Stop-Work Order from a job that was stopped due to violation | \$100 |
| Fuel tank installation – 1,000 gallons or more | \$75 per tank |
| Junkyard permit | \$5,000 plus \$1,000 per acre |
| Permit for Mobile Home Park or manufactured housing park | \$7,500 plus \$1,000 per acre |
| Mobile Home Park licensing fee (and renewal) | \$500 |
| Contractor's license | \$100 per calendar year |
| Curb cut, installation only, pipe at owner's expense | \$500 |
| Inspection or curb cut where pipe has been set by contractor | \$200 |
| Solar panels, residential under 1 acre | \$150 |
| Large-scale solar energy system | \$2,500 or such other amount as the Planning Board may determine to cover Town costs |

| | |
|--|---|
| Residential wind energy conversion system site plan review fee | \$200, plus any associated cost incurred by the Town for outside consultants. |
| Residential wind energy conversion system building permit | \$100 |
| Peddler's or solicitor's permit | \$25 |
| Transient business | \$125 annually or \$25 per event |
| Junk dealer's permit | \$500 annually |
| Special Use Permit for Adult Use | \$1,000 |
| Adult Use Certificate of Registration (or amendment thereto) | \$1,000 |
| Permit application fee for moving a building under Chapter 110-2 | \$50 |
| Public Improvement Permit | \$350 |
| Application fee for permit for the siting, construction and modification or expansion of landfills | \$1,000 |
| Permit for decorative/ornamental pond | \$65 |
| Amusement Center license | \$1,000 annually |
| Amusement Center license application fee | \$500 |
| License fee to operate Amusement Games | \$50 per game, annually |
| Amusement Game Distributor license fee | \$100 annually |
| Oil and gas well, annual inspection fee | \$50 |
| Special use permit for airport/airstrip | \$1,000 |
| Camping, travel trailer and/or recreational vehicle parks | |
| Annual special use permit fee | \$5,000 |
| Monthly fee for each space occupied in a month for a period(s) aggregating more than 15 days | \$200 |
| Site plan review payment schedule | |
| Under 1 land-disturbed acre | \$300 |
| Under 2 land-disturbed acres | \$450 |
| Under 3 land-disturbed acres | \$750 |
| Under 4 land-disturbed acres | \$1,250 |
| Under 5 land-disturbed acres | \$1,750 |
| Under 6 land-disturbed acres | \$2,250 |
| Over 6 land-disturbed acres | \$2,500 |
| Site plan review sketch (§§ 247-54(D)(1)(b), 247-46(C), and 247-34(F)(4)) | \$125 |
| Site plan application fee | \$100 |
| Special use permits | |
| Special use permit application. | \$300 |
| Special use permit annual review. | \$300 |
| Environmental SEQRA review | |
| Short Environmental Assessment Form (SEAF) | \$200 |
| Long Environmental Assessment Form (LEAF) | \$500 |
| No permit obtained or delayed | |
| In the event that work requiring a Building Permit is commenced without having the appropriate permit applied for, secured and obtained, or that work is commenced without having obtained a Contractor's license from the Town, said permit or license fees will be doubled. Each day is considered a separate violation. | |

*Cost includes certificate of occupancy, final

Fees for public hearings:

| Type | Fee |
|-------------------------|-------|
| Zoning Board of Appeals | \$125 |
| Planning Board | \$125 |

Subdivision fees:

| Type | Fee |
|--|---|
| Minor Subdivision | |
| Sketch plan application | \$30 per lot or dwelling unit, with a maximum of \$75 |
| Final plat submission | \$25 per lot or dwelling unit, with a maximum of \$100 (plus \$125 for publication of hearing) |
| Application fee | \$60 |
| Major Subdivision | |
| Sketch plan application | \$30 per lot or dwelling unit, with a maximum of \$750 |
| Preliminary plat submission | \$2,000 or \$100 per lot or dwelling unit, whichever is greater (plus \$125 for publication of hearing) |
| Final plat submission | \$2,000 or \$75 per lot or dwelling unit, whichever is greater (plus \$125 for publication of hearing) |
| Application fee | \$500 |
| Recreation fee in lieu of parkland (major subdivisions only) | \$1,000 per lot |

Fees for cellular communications towers:

- A. The fee for the construction and equipping of a tower shall be 1% of the cost of construction and equipping of the tower as estimated by the developer and verified by the Town; or the minimum fee shall be \$2,000 and the maximum fee shall be \$5,000.
- B. Each construction, modification, or alteration of a tower shall require a permit and fee as stated above.

Stormwater management fees:

- A. Fees for land development activities. Any applicant submitting a Stormwater Pollution Prevention Plan (“SWPPP”) to the Town for a land development activity or land disturbance requiring a New York State Department of Environmental Conservation (“DEC”) State Pollution Discharge Elimination System (“SPDES”) construction permit shall submit a fee to the Town based upon the acreage of the entire development in accordance with the following schedule:

| Acreage of Entire Development | SWPPP Review Fee |
|-------------------------------|--|
| Under 5 acres | \$650 |
| 5 to 10 acres | \$1,000 |
| Over 10 acres | \$1,000, plus \$500 for every 5 acres above 10 acres |

| Acreage of Entire Development | Inspection Fee |
|-------------------------------|----------------|
| Under 5 acres | \$2,750 |
| 5 to 10 acres | \$3,750 |
| Over 10 acres | \$6,500 |

- B. For all land development activities to be completed in multiple phases over time, the applicant, in addition to the fee provided above in Subsection A, shall pay the Town an additional \$500 for each subsequent phase after the first phase of the project, to be paid prior to the start of construction of each subsequent phase.
- C. Drainage permit application review fee: \$500

Dog licensing fees:

Fees shall be as follows:

| Type | Fee |
|-----------------------------|--------|
| Spayed or neutered dog | \$8 |
| Unspayed or unneutered dog | \$20 |
| Purebred license | \$25 |
| Enumeration fee | \$25 |
| Replacement tag | \$3 |
| Late fee (60 days) | \$25 |
| First impoundment | No fee |
| All subsequent impoundments | \$50 |

Miscellaneous water/sewer fees:

A. Water Department:

| Type | Fee |
|--|----------------|
| 1-inch water service tap-in fee | \$1,100 |
| Over 1 inch: cost of material plus labor | Priced per job |
| Inspection fee for tap-in over 1 inch | \$50 |
| 3/4-inch water meter fee with electronics | \$400 |
| 1-inch water meter fee with electronics | \$600 |
| Water meter pit | Priced per job |
| Water service termination fee (dig to disconnect) | \$200 |
| Damaged/frozen water meter – 3/4 inch | \$100 |
| Damaged/frozen water meter – 1 inch | \$300 |
| Damaged water meter electronics – 3/4-inch or 1-inch | \$300 |
| Water meter/electronics over 1 inch | Priced per job |
| Water curb box damage | \$150 |
| Water on/off fee after hours | \$100 |
| Sold-home water and/or sewer inspection compliance | \$50 |

B. Sewer Department:

| Type | Fee |
|---|---------------------------------|
| Pressure sewer tap/inspection | \$1,100 |
| Gravity sewer tap 6-inch standard – Subdivision | \$400 |
| Gravity sewer tap 6-inch standard – All others | \$1,000 |
| Grinder system unit | Call Sewer Department for price |
| Sewer service termination fee (dig to disconnect) | \$200 |
| Grinder system curb box damage | \$200 |
| Sewer call (normal hours) | Prevailing rate |
| Sewer service call (after hours) | 2-hour minimum, prevailing rate |

Fees for Document Copying:

| Type | Fee |
|--|---|
| Letter size (8 1/2" x 11") documents | \$0.25 per page |
| Legal size (8 1/2" x 14") documents | \$0.25 per page |
| Ledger size (11" x 17") documents | \$0.35 per page |
| Architectural size (24" x 36") documents | \$12.00 first sheet, \$5.00 each additional sheet |
| Portable Storage Device for FOIL Request | \$3.20 per device |

Other Miscellaneous Fees:

| Type | Fee |
|---------------------------|-----------------|
| Ball Diamond Usage Fee | \$50.00 per use |
| Certified Copies | \$10.00 |
| Extra Capacity Bag Tag | \$5.00 |
| E-Z Pass Tag | \$25.00 |
| Farmer's Market FT Vendor | \$195.00 |
| Farmer's Market PT Vendor | \$110.00 |
| Farmer's Market POP-UP | \$85.00 |
| Genealogical Search | \$11.00 |
| Marriage License | \$40.00 |
| NSF Returned Check Fee | \$20.00 |
| Passport Photo | \$15.00 |

| | |
|--|-----------------------|
| Passport Application Execution Fee | \$35.00 |
| Pendleton Logo Decal | \$2.00 |
| Pendleton Logo Pin | \$4.00 |
| Park Pavilion Rental | \$25.00 |
| Refuse – Additional Service | \$55.00/year prorated |
| Recycling – Additional Bin | \$65.00 or \$95.00 |
| Summer Rec Registration – NON-Resident | \$525.00 |
| Summer Rec Registration – Resident | \$260.00 |

Recycling Fees:

| Type | Fee |
|--|-------------------|
| Electronics Recycling | \$ No Fee |
| Scrap Metal | \$ Priced per job |
| Tire Recycling – Motorcycle, ATV, and similar sized tires. | \$5.00 per tire |
| Tire Recycling – Automobile and light truck | \$5.00 per tire |
| Tire Recycling – Truck tires (19.5 inches and larger) | \$12.00 per tire |
| Tire Recycling – Tires on rims and heavy equipment tires. | Not accepted. |

RESOLUTION 211-24

STANDARD WORK DAY RESOLUTION FOR NYSLRS

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 July 2024, that the Town of Pendleton/30384 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

| NAME | TITLE | CURRENT TERM | STANDARD WORK DAY | RECORD OF ACTIVITIES RESULTS | NOT SUBMITTED | PAY FREQUENCY | TIER 1 |
|-----------------------------|------------------------|-----------------|-------------------|------------------------------|---------------|---------------|--------|
| Elected Officials: | | | | | | | |
| Wolfgang Buechler | Councilman | 1/1/24-12/31/27 | 8 | 3.96 | | Quarterly | No |
| David Leible | Councilman | 1/1/24-12/31/27 | 8 | 3.8 | | Quarterly | No |
| Joel Maerten | Supervisor | 1/1/24-12/31/25 | 8 | 9.07 | | Bi-Weekly | No |
| David Fischer | Highway Superintendent | 1/1/24-12/31/25 | 8 | 0 | X | Bi-Weekly | No |
| Deborah Maurer | Town Clerk | 1/1/24-12/31/27 | 8 | 22.67 | | Bi-Weekly | No |
| Appointed Officials: | | | | | | | |
| Wyatt Maerten | Dog Control Officer | 1/1/24-12/31/25 | 8 | .49 | | Quarterly | No |

RESOLUTION 212-24

PURCHASE OF REFUSE AND RECYCLING TOTES

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 July 2024, that the purchase of 95-gallon refuse and recycling totes from Modern Disposal Services for a cost not to exceed \$6,800.00 is approved. This resolution shall take effect immediately.

RESOLUTION 213-24

FACILITIES USAGE AGREEMENT - ONTARIO SHORES FCU

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 July 2024, to approve the Facilities Usage Agreement for the organization known as Ontario Shores Federal Credit Union, pending insurance approval.

RESOLUTION 214-24

BUFFALO BOMB SQUAD SPORTS INC. AGREEMENT AMENDMENT

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 July 2024, to rescind *RESOLUTION 204-24 BUFFALO BOMB SQUAD SPORTS INC. AGREEMENT* and approve the agreement with the Buffalo Bomb Squad Sports Inc. with an addition of a 30-day cancellation clause for cause.

BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that there will be a Special Meeting on July 15, 2024 at 7:00 p.m. and there will not be a Work Session on July 22, 2024. The next Regular Meeting will be held on August 12, 2024.

PUBLIC REMARKS/COMMENTS

A resident mentioned the earlier comment regarding liability on the trails, pointing out that the Town should also consider liability issues at the parks. She also addressed the statement about expanding the recreation committee membership and reiterated concerns about the legality of the proposed local law.

Another resident mentioned that she had emailed the Highway Superintendent and the Town Board about the flooding issues at Bull Creek. She asked if there have been any updates and was told to speak with the Town Supervisor and Town Engineer after the meeting.

A third resident wanted to know why “side-by-sides” were not allowed on the trails and hoped that the new committee can look into the possibility of allowing them.

A Pine Lake Terrace resident reported that he has been making complaints to the Town for the past 4 ½ years about a home on Beach Ridge Road. He cited many issues which he felt were in violation of Town ordinances and wanted to know why they were not being enforced.

Finally, a resident commented on the initial grant application for the multi-use trail, questioning whether the Town would be required to return grant funds if the trail deviates from its original intended use. Additionally, she inquired about supervision protocols at the Splash Pad, noting that this also poses a liability for the Town.

Motion by Councilman Leible, seconded by Councilman Hickman, to adjourn from the Regular Meeting at 8:05 p.m. Motion carried.

Deborah K. Maurer, Town Clerk