

**TOWN OF PENDLETON
REGULAR MEETING
August 12, 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 12th day of August 2024 at 7:00 p.m.

Supervisor Maerten called the meeting to order at 7:04 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 six residents in attendance.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

- Add #11 - Facilities Usage Agreement - Boy Scout Troop 47
- Add #12 - Executive Session

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

One resident commented on several issues, including: the lack of description for the 4-H00 Fund on Voucher Abstract #14, page 9; concerns about PO# 24-00795 being paid from A00-7320-400, which wasn't budgeted; a proposed budget transfer resolution regarding A00-1620-120 for 'Town Hall Work'; and a transfer related to recreation supplies.

Another resident raised questions about two insurance payments listed on the Voucher Abstract, one for the Historical Society and the other for the Pendleton Veterans Association. She also remarked on the proposed resolution to hire an automotive mechanic and to waive the CDL license requirement.

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

ROUTINE BUSINESS

RESOLUTION 225-24

MEETING MINUTES - JULY 8, 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 12th day of August 2024, that the meeting minutes for the Regular Meeting held on July 8, 2024, are approved as presented by Town Clerk Maurer.

RESOLUTION 226-24

MEETING MINUTES - JULY 15, 2024

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 12th day of August 2024, that the meeting minutes for the Special Meeting held on July 15, 2024, are approved as presented by Town Clerk Maurer.

RESOLUTION 227-24

ABSTRACT #14

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 12th day of August 2024, to authorize payment of Voucher Abstract ##14, Vouchers #24-00713 to #24-00781 which was paid on July 24, 2024 as follows:

General	\$	17,741.64
Highway	\$	17,520.84
Capital	\$	263,185.27
Refuse	\$	48,249.64
Sewer	\$	12,231.24
Water	\$	60,211.65
Total	\$	419,140.28

RESOLUTION 228-24

ABSTRACT #15

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 12th day of August 2024, to authorize payment of Voucher Abstract #15, Vouchers #24-00782 to #24-00839 to be paid on August 14, 2024 as follows:

General	\$	37,375.61
Highway	\$	19,913.40
Refuse	\$	597.75
Sewer	\$	3,222.19
Water	\$	6,918.24
Total	\$	68,027.19

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for June 2024 was \$212,080.75. This is a decrease of \$29,642.99 when compared with June 2023. The year to date received is \$1,195,244.33 which is a decrease of \$8,554.53 from 2023.

Councilman Leible stated that the newsletter articles are due on August 15, 2024.

Councilman Lombardo had nothing to report.

Councilman Buechler had nothing to report.

Councilman Hickman had nothing to report.

Attorney Joerg had nothing to report.

Engineer Britton provided updates on several projects:

- **MS4 Stormwater Management Program:** The Interim Assessment Report is due to the NYSDEC by October 1, 2024.
- **Campbell Boulevard Waterline Replacement Project:** Contract documents have been submitted to the NYSDOH for approval.
- **GIS Implementation:** The next step is to publish the data for public access.
- **Town Comprehensive Plan Update:** Survey results have been handed over to the steering committee, and the completion date has been extended to February 2024 in anticipation of new census data expected in December.

DEPARTMENT HEADS

Town Clerk Maurer reported that monthly reports were received from the Assessor, Building Inspector/Code Enforcement Officer, and the Engineer. 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 July:

Total State, County and Local Revenues	\$ 20,575.59
Water/Sewer Collection	\$ 3,804.54

Mrs. Maurer also reported that she has been setting up the Edmunds Accounts Receivable (A/R) software to use for invoicing which involves creating payment types, aligning each payment with the appropriate expenditure accounts, and training each department on the new process. She stated that she also facilitated a meeting with Recreation Director Patrick Covell and Edmunds Govtech to review their Parks and Recreation online registration software saying that it seems like it will be very beneficial to the residents and staff. Lastly, Town Clerk Maurer mentioned that she plans on attending the New York State Town Clerks Association's regional meeting in September to learn more about the State's new "Shelter Standards Act". She explained that she will be hosting a meeting with the Niagara County Municipal Clerks, the County Manager, our regional representative from the NYS Department of Agriculture and Markets Division of Animal Industry, and dog control officers from Niagara County to discuss the impact it will have on us locally.

Highway and Water/Sewer Superintendent Fischer had nothing to report.

Building Inspector Diedrich had nothing to report.

Assessor Valentine had nothing to report.

NEW BUSINESS

RESOLUTION 229-24

2024 BUDGET AMENDMENT

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 12th day of August 2024, that the following budget amendment for the 2024 budget is approved:

Approved 2024 Budget:

Directional Boring - Contractual (SW8340.0400), \$4,000.00

Directional Boring Fees (SW.21446), \$6,000.00

Amended 2024 Budget:

Directional Boring - Contractual (SW8340.0400), \$12,000.00

Directional Boring Fees (SW.21446), \$12,000.00

This resolution shall take effect immediately.

RESOLUTION 230-24

2024 BUDGET TRANSFERS (1 OF 2)

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 12th day of August 2024, that the following budget transfer corrections are approved:

Approved July 8, 2024:

Transfer to: Parks - Contractual (A7110.0400), \$384.00

Transfer from: Parks - Supplies (A7110.0400), \$384.00

Corrected transfer:

Transfer to: Parks - Contractual (A7110.0400), \$2,000.00

Transfer from: Parks - Supplies (A7110.0450), \$2,000.00

Approved July 8, 2024:

Transfer to: Drainage - Contractual Expense (A8540.0400), \$173.00

Transfer from: Drainage - Personnel Services (A8540.0400), \$173.00

Corrected Transfer:

Transfer to: Drainage - Contractual Expense (A8540.0400), \$173.00

Transfer from: Drainage - Personnel Services (A8540.0100), \$173.00

Approved July 8, 2024:

Transfer to: Town Hall - Town Hall Work (A1620.0120), \$7,440.00

Transfer from: Town Hall - Fixed Assets (A1620.0200), \$7,440.00

Corrected transfer:

Transfer to: Town Hall - Town Hall Work (A1620.0120), \$2,000.00

Transfer from: Town Hall - Fixed Assets (A1620.0200), \$2,000.00

FURTHER, BE IT RESOLVED, that the following transfer is rescinded:

Approved July 8, 2024:

Transfer to: Engineering - Salt Barn & Generator (A1440.0421), \$2,540.00

Transfer from: Engineer Solar (A1440.0419), \$2,540.00

Corrected transfer:

Transfer to: Engineering - Salt Barn & Generator (A1440.0421), \$0.00

Transfer from: Engineer Solar (A1440.0419), \$0.00

This resolution shall take effect immediately.

RESOLUTION 231-24

2024 BUDGET TRANSFERS (2 OF 2)

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 12th day of August 2024, that the following budget transfers for the 2024 budget are approved:

Transfer to: Recreation Supplies (A7120.0450), \$500.00

Transfer from: Youth Program - Contractual (A7310.0400), \$500.00

Transfer to: Unallocated Insurance (A1910.0400), \$1,500.00

Transfer from: Contingency (A1990.0400), \$1,500.00

Transfer to: Independent Audit & Accounting (A1320.0400), \$6,000.00

Transfer from: Contingency (A1990.0400), \$6,000.00

Transfer to: Joint Youth Program - Contractual (A7320.0400), \$1,500.00

Transfer from: Youth Program - Contractual (A7310.0400), \$1,500.00

Transfer to: Recreation Supplies (A7120.0400), \$1,300.00

Transfer from: Youth Program - Contractual (A7310.0400), \$1,300.00

This resolution shall take effect immediately.

RESOLUTION 232-24

COMMUNITY CENTER CHANGE ORDER - GC-21

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 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-21 related to Change Request #37 - Install of Louvers, Change Request #38 - Window Access Panel Framing-Install, Change Request #39 - Exhaust Venting-Roof Openings is recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of August 2024, that proposed Change Order GC-21 at a cost of \$3,417.17, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 233-24

APPROVAL OF SOFTWARE AGREEMENT - EDMUNDS PARKS & RECREATION

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

WHEREAS, the Town of Pendleton has a contract with Edmunds Govtech for software licensing for applications used by multiple Town departments; and

WHEREAS, it is requested that application components for coordination and operation of Parks and Recreation programs supplied by Edmunds Govtech be authorized; and

WHEREAS, this approval will include costs associated with implementation and annual fees with a three (3) year commitment.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of August 2024, that the expenditure for the Parks & Recreation software subscription from Edmunds Govtech, with a three (3) year commitment, at an annual cost of \$4,870.00 is approved.

FURTHER, BE IT RESOLVED, that the implementation cost \$1,500.00 is approved. This resolution shall take effect immediately.

RESOLUTION 234-24

APPROVAL OF POSITION - AUTOMOTIVE MECHANIC

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

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

WHEREAS, the Town Board of the Town of Pendleton passed a resolution on December 11, 2023 authorizing the posting of multiple Highway Department positions, including the title of Automotive Mechanic; and

WHEREAS, an application has been received for the position of Automotive Mechanic; and

WHEREAS, the union has formally communicated to the Town Board that the membership does not object to the appointment of this individual without a Commercial Driver's License to this position; and

WHEREAS, the Collective Bargaining Agreement between the Town of Pendleton and Teamsters Local 264 states, "Employees will be assigned as Auto Mechanic upon approval of the Town Board."; and

WHEREAS, the Collective Bargaining Agreement between the Town of Pendleton and Teamsters Local 264 further states, "Employees assigned as Auto Mechanic must have and maintain a CDL. Failure to maintain these requirements may result in automatic placement to the Laborer Class, with final decision placed solely with the Town Board."; and

WHEREAS, the Highway Superintendent is recommending appointment of this position to the position of Automotive Mechanic.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of August 2024, that Daniel Swann is hereby appointed to the position of Automotive Mechanic at Step 1.

FURTHER, BE IT RESOLVED, that the requirement to maintain a Commercial Driver's License is waived for this individual and this waiver does not constitute a precedent for future appointment to this position. This resolution shall take effect immediately.

RESOLUTION 235-24

ADDITION TO APPROVED PROJECT - JCAP

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 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, a Request for Proposals for the work detailed in the Justice Court Assistance Program was approved and authorized for advertisement at the May 13, 2024 meeting of the Town Board; and

WHEREAS, proposals received by the Town Clerk were provided to the Town Board for review; and

WHEREAS, the lowest bid proposal for this work was accepted by the Town Board by resolution at the June 10th, 2024 meeting; and

WHEREAS, an addition to this project has been proposed by the contractor.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of August 2024, that proposed project addition is approved for a cost of \$1,475.00.

This resolution shall take effect immediately.

RESOLUTION 236-24

FACILITIES USAGE AGREEMENT - HUNTERS CREEK CONDOMINIUM A

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 12th day of August 2024, to approve the Facilities Usage Agreement for the organization known as Hunters Creek Condominium A for use of the Town Hall Meeting Room on October 24, 2024.

RESOLUTION 237-24

AUTHORIZATION TO TRAVEL AND ATTEND TRAINING - NYSTCA

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 12th day of August 2024, that Town Clerk Maurer is authorized to attend the New York State Town Clerk's Association (NYSTCA) regional meeting September 15 - 16, 2024.

RESOLUTION 238-24

ACCEPTANCE OF 284 AGREEMENT

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

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

Nays 0

WHEREAS, pursuant to the provisions of Section 284 of the Highway Law, an agreement between the Town Board and the Highway Superintendent must be approved for the expenditure of monies for the repair and improvement of highways; and

WHEREAS, an Agreement for the Expenditure of Highway Moneys (284 Agreement) has been presented to the Town Board by Highway Superintendent David Fischer; and

WHEREAS, the Town Board has been asked to accept the presented 284 Agreement by resolution.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of August 2024, that the Agreement for Expenditure of Highway Moneys presented to the Town Board by Highway Superintendent David Fischer is accepted. This resolution shall take effect immediately.

RESOLUTION 239-24

FACILITIES USAGE AGREEMENT - BOY SCOUT TROOP 47

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 12th day of August 2024, to approve the Facilities Usage Agreement for the organization known as Boy Scout Troop 47, granting access to Nine Mile Island from August to November 2024.

BOARD MEMBERS DISCUSSION

Supervisor Maerten announced that there will not be a Work Session on August 26, 2024. The next Regular Meeting will be held on September 9, 2024, at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

A resident of Macintosh Lane spoke on behalf of the newly formed ATV club, reporting that two meetings have been held so far, with 28 people attending the most recent one. He mentioned that the group has reached a consensus on their short-term goals, which include keeping the trails open to ATVs, increasing permit applications, and promoting safety. The club also agreed on long-term objectives, such as assisting with trail maintenance, establishing a formal organization, and potentially becoming a 501(c)(3). He further noted that the club supports increased enforcement, additional cameras, and more signage.

Councilman Leible reported that the Niagara County Sheriff's Office will begin patrols on the multi-use path as well.

A second resident stated that she would like an update on the capital project saying that she is concerned about the funding.

Another resident expressed her appreciation to the Town Board for allowing the ATV club time to address the issues on the trail but asked how she could provide feedback to assist them in this process. She also mentioned that she would be contacting the Town Attorney for clarification and the town's interpretation on General Obligations Law.

Lastly, a resident announced that Boy Scout Troop 47 will be hosting a fundraising event at Uncle G's on Thursday, August 13, 2024, with proceeds going toward the construction of an informational kiosk on the Pendleton Trail.

Motion by Councilman Leible, seconded by Councilman Lombardo, to enter into an Executive Session with the Town Attorney and the Deputy Town Supervisor, to discuss litigation, at 7:39 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Executive Session at 7:59 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Regular Meeting at 8:00 p.m. Motion carried.

Deborah K. Maurer, Town Clerk

PENDING APPROVAL