

**TOWN OF PENDLETON**  
**WORK SESSION**  
February 27, 2023

A Work Session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 27<sup>th</sup> day of February 2023 at 7:00 p.m. The meeting was open to the public.

Supervisor Maerten called the meeting to order at 7:00 p.m.

Supervisor Maerten, Councilman Buechler, Councilman Leible and Councilman Lombardo were present. Councilmen Hickman was absent.

Also present:

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

There was one resident in attendance.

**RESOLUTION 81-23**

**MEETING MINUTES – FEBRUARY 13, 2023**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, that the meeting minutes for the Regular Meeting held on February 13, 2023, are approved as presented by Town Clerk Maurer.

**RESOLUTION 82-23**

**ABSTRACT #3**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, to authorize payment of Voucher Abstract #3, Vouchers #23-00029 to #23-00125 (excluding 00030, 31, 61, 67, 72) that was paid on February 15, 2023 as follows:

General Fund	\$	287,745.31
Highway	\$	57,982.70
Fire Protection	\$	407,136.00
Refuse	\$	69,325.82
Sewer	\$	2,337.42
Water	\$	19,032.01
Trust & Agency	\$	3,167.50
Total	\$	846,726.76

Approval of Voucher Abstract #4

This item was tabled until the March 13, 2023 Regular Meeting.

**RESOLUTION 83-23**

**2022 AUDITS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, to accept the results of the 2022 audits of the Tax Collector, Town Clerk, Water/Sewer Collection, Town Justice Kevin Mack and retired Town Justice Edmund Maziarz.

Supervisor Maerten announced that the bid package for the construction of the Community Center was reviewed by the Town Board. Engineer Britton stated that all documents are in order which include some electrical upgrades.

RESOLUTION 84-23

**ADVERTISEMENT FOR BIDS FOR COMMUNITY CENTER PROJECT**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Town of Pendleton has been awarded grant funding for construction of a Community Center to be located on Town property on Campbell Boulevard; and

WHEREAS, the Town of Pendleton has established and funded a reserve for construction of a Community Center; and

WHEREAS, the Town has contracted with an Architect and the Town Engineer for creation of plans and specifications for construction of the Town's Community Center; and

WHEREAS, final construction documents have been provided to the Town Board for review and approval.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023 that the Town Clerk is authorized and directed to publish the public notice for solicitation of bids for the Community Center project.

FURTHER, BE IT RESOLVED, all bids are to be submitted to the Town Clerk by 10:00 am local time on April 12, 2023, with the bids publicly opened and read aloud at 10:00 am.

FURTHER, BE IT RESOLVED, that final contract award will be made by resolution of the Town Board on a meeting subsequent to bid opening.

RESOLUTION 85-23

**APPROVAL OF DEDICATION OF PUBLIC INFRASTRUCTURE AND ROADWAY EXTENSION OF CREEKBEND DRIVE**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Town of Pendleton owns and maintains roads located within the Town, which residents and visitors to the Town use in conjunction with roads owned and maintained by the State of New York and Niagara County; and

WHEREAS, the Town of Pendleton may take ownership of new roads in accordance with New York Highway Law Article VII, Section 171; and

WHEREAS, a property owner has constructed a new road (extension of Creekbend Drive), upon successful compliance with all procedures and direction of the Town of Pendleton Planning Board, Highway Department, and Building Department; and

WHEREAS, upon approval of the Highway Superintendent, Building Inspector, and Town Engineer, a recommendation has been communicated to the Town Board to accept dedication of this new road constructed on property owned by Michael and Carmen Jacus; and

WHEREAS, final action is necessary by the Town Board to accept this road dedication to include infrastructure completed under Public Improvement Permits (PIP) as further described below, assuming ownership and maintenance of this new road.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023 that the dedication of a road constructed on property owned by Michael and Carmen Jacus, located at the end of Creekbend Drive in the Town of Pendleton, is accepted as follows:

- 1) The new road extends Creekbend Drive by 400 feet with a turnaround located at the dead end.
- 2) The Town of Pendleton will take ownership of the Creekbend Drive extension and associated infrastructure located in either the Public ROW or Town public easement at no expense to the Town.
- 3) A release of the land will be presented to the Town Clerk to file and record.
- 4) Such application, consent and order, shall include a release from all damages from the owners of lands taken or affected thereby, when the consideration for such release is agreed upon between such town superintendent, with the approval of the town board, and the owner or owners.
- 5) The Town Clerk shall forthwith cause each release executed by each owner of land taken or affected by such order to be recorded in the office of the clerk of the county wherein such lands are located.
- 6) The completed PIP improvements for pavement and curbs, storm sewer and drainage, sanitary sewer and water line facilities for the Jacus Subdivision is accepted with the following conditions:
  - a) Town will terminate the existing temporary turnaround easement located on tax parcel 165.03-2-75 No. 7276 Paddock Ridge.
  - b) Restoration of disturbed areas associated with the extension of utilities to service the Jacus Subdivision specifically at 7276 Paddock Ridge and 7272 Creekbend Drive shall be completed in the spring but no later than June 1, 2023.
  - c) The maintenance bond, public sewer easements, temporary turnaround easement, drainage easements, and roadway dedication associated with the Jacus Subdivision are accepted.
- 7) This resolution shall take effect upon successful compliance with stipulations detailed as resolved.
- 8) The Supervisor of the Town of Pendleton is hereby authorized and directed to sign any and all forms which are necessary for the filing of the road dedication documents in the Niagara County Clerk's Office, following review and approval by the Town Attorney.

**RESOLUTION 86-23**

**ESTABLISHMENT OF COPYING FEES**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023 that the following fees will be charged for copying of documents:

- A) Letter size (8½" x 11") documents: \$0.25 per page.
- B) Legal size (8½" x 14") documents: \$0.25 per page.
- C) Ledger size (11" x 17") documents: \$0.35 per page.
- D) Architectural size (24" x 36"): \$12.00 first sheet, \$5.00 each additional sheet.

FURTHER, BE IT RESOLVED, that these fees shall be added to the current listing of approved Town of Pendleton fees.

FURTHER, BE IT RESOLVED, that payment for copying requests is payable to the Town Clerk's Office prior to copying. This resolution shall be effective immediately.

Next, Supervisor Maerten explained several of the benefits that the Town receives from contracting with Rotella Grant Management for their grant related services, including the recent CFA grant which was awarded to the Town. A question and answer period between the Board ensued before a vote was taken on this item. Councilman Buechler asked if they were on retainer and if they ever charged more

than the monthly amount, Supervisor Maerten said no. Councilman Leible spoke about the possible grant for the Constables bullet proof vests and Councilman Lombardo asked if the Wendelville Fire Company (WFC) can benefit from these services. Supervisor Maerten replied that he will speak with the company on Friday about the vests and stated that WFC can and has used the services in the past.

RESOLUTION 87-23

**GRANT MANAGEMENT SERVICES**

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

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

WHEREAS, the Town of Pendleton has, and continues to, benefit from resources available through a variety of grant funding opportunities available at the local, state, and federal level; and

WHEREAS, Rotella Grant Management has an established relationship with the Town of Pendleton, providing comprehensive services related to identifying funding opportunities, securing grant approval, and administration of all grant awards; and

WHEREAS, the Town will continue to benefit from the services of an experienced grant writer with professional staff who are familiar with the Town of Pendleton and its needs; and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27th day of February 2023 that the Town of Pendleton will compensate Rotella Grant Management at a rate of \$1,500.00 per month for the 2023 calendar year for grant-related consultation, including but not limited to:

- 1) Identification of funding opportunities.
- 2) Grant writing, which generally includes preparation of all materials for submission of final grant applications.
- 3) Meetings and general communication with Town representatives.
- 4) Communication and coordination with representatives of grant-awarding agencies and organizations.
- 5) Grant administration, management, and mandatory reporting.
- 6) Grant reimbursement.

FURTHER, BE IT RESOLVED, this resolution shall be effective as of January 1, 2023.

The Town Board next discussed the three applicants for the final seat on the Zoning Board of Appeals. A brief conversation took place before a motion was made.

RESOLUTION 88-23

**APPOINTMENT TO ZONING BOARD OF APPEALS**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, to appoint James Churchill to the Zoning Board of Appeals for a one-year term to begin immediately.

RESOLUTION 89-23

**CONNECTION TO NIAGARA COUNTY SEWER DISTRICT**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, to authorize the Town Supervisor to send a letter to Niagara County Sewer District #1 requesting a connection to Manhole NCS D @21-39.

RESOLUTION 90-23

**ADVERTISE FOR SEASONAL LABORER**

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

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

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, that the Town Clerk is hereby authorized to publicly advertise for two (2) seasonal laborer positions assigned to the Highway Department, with anticipated assignment dates to be from May 1, 2023 to September 1, 2023, depending upon applicant availability.

FURTHER, BE IT RESOLVED, that the rate of pay for these seasonal positions is established at \$14.50 per hour. This resolution shall take effect immediately.

RESOLUTION 91-23

**EXPENDITURE FOR MOWING IMPLEMENT**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Highway Department of the Town of Pendleton is tasked with a wide-variety of maintenance activities; and

WHEREAS, due to ongoing use, it is periodically necessary to replace tools and equipment which are no longer operational or functionally reliable; and

WHEREAS, the Highway Superintendent has requested permission to purchase a new mowing implement; and

WHEREAS, the cost of the item requested reflects purchasing consortium pricing.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, that the purchase of a Bush Hog rotary cutter from Niagara Implement for a cost of \$8,027.00 is approved. This resolution shall take effect immediately.

Next, a discussion occurred regarding the placement of temporary fencing around the areas that are currently under construction in the park. The fencing is intended for safety reasons.

RESOLUTION 92-23

**EXPENDITURE FOR TEMPORARY FENCING**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, that the quote from Wood Smith Fencing Corp. for the placement of temporary fencing at a cost of \$1,666.56 is approved. This resolution shall be effective immediately.

RESOLUTION 93-23

**EXPENDITURE FOR TRUCK REPAIR**

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, Truck #19 owned by the Town of Pendleton experienced a transmission failure, and

WHEREAS, due to the inoperability of this truck, evaluation and quotation for the required work by multiple vendors would be cost prohibited, and

WHEREAS, due to location and past experience, the services of Redline Automotive are considered to be appropriate and reliable.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023 that expenditure of \$5,575.65 charged by Redline Automotive for a replacement transmission for a Town-owned truck is approved. This resolution shall be effective immediately.

RESOLUTION 94-23

**EXPENDITURE FOR TRUCK PARTS (TRUCK #10)**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, that expenditure of \$4,850.00 for truck fenders provided by Empro Niagara is approved. This resolution shall be effective immediately.

RESOLUTION 95-23

**EXPENDITURE FOR SEWER PARTS**

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

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

WHEREAS, at the February 13, 2023 meeting of the Town Board of the Town of Pendleton, an expenditure of \$7,990.25 was approved for the acquisition of sewer parts; and

WHEREAS, the actual cost, including freight is \$8,051.23.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023 that expenditure of \$8,051.23 for sewer parts purchased from Siewert Equipment is approved. This resolution shall be effective immediately.

RESOLUTION 96-23

**FACILITIES USAGE AGREEMENT – HUNTERS CREEK CONDOMINIUM**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, to approve the Facilities Usage Agreement for the organization known as Hunters Creek Condominium.

RESOLUTION 97-23

**FACILITIES USAGE AGREEMENT – CHALLENGER BASEBALL LEAGUE**

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 27<sup>th</sup> day of February 2023, to approve the Facilities Usage Agreement for the organization known as Challenger Baseball League, LLC, pending approved insurance.

Town Sponsored Baseball

Supervisor Maerten explained that the Recreation Committee has made contact with an organization who runs a multi-town Baseball/Softball/T-Ball program which will allow us to participate. The committee has placed a survey online to gauge community interest in this program and has received some responses. Councilman Leible stated that he has received phone calls asking about town sponsored ball and that many people have already had to register with other clubs. Councilman Buechler mentioned that per the responses he has seen there seems to be a trend towards T-Ball. The discussion continued with talk about the cost of registration, how it will occur, reserving the fields, etc. It was decided the Board will need further details from the Recreation Committee.

Executive Session

This agenda item was cancelled due to the worsening weather conditions.

The meeting continued with other discussion items from the Councilmen and Department Heads.

Councilman Leible stated that he received an email from the fireworks company reminding us that the Town will receive a discount if the \$15,000.00 is pre-paid.

Councilman Lombardo reported that the caretaker of Nine-Mile Island will be moving out in March and stated a concern that there will be no security on the island. Mr. Lombardo also spoke about the email received which mentioned that the 2023 Pendleton Farm & Home Days are cancelled.

Town Clerk Maurer informed the Board that the IT Department will not allow us to connect a laptop directly to the copier/printer in the mail room because of its connectivity to our server. This connection, which would be used by board and committee members who may log into personal accounts or use a USB stick to access files, could cause security issues. She suggested an alternative solution which would be connecting a laptop that is not currently in use to a standalone printer. She was given permission to shop for a printer and locking docking station.

Mrs. Maurer also provided the Board with some updated information from the Pendleton Veterans Association (PVA) regarding the Hometown Heroes Project. A conversation took place and Mrs. Maurer was given several questions to take back to the PVA before any commitments can be made by the Board.

Attorney Joerg commented on some questions that he had received from Assessor Valentine regarding the recently adopted Local Law No. 01 of 2023 and Local Law No. 02 of 2023. He stated that no adjustments were necessary and that the laws can be filed as they are.

Motion by Councilman Leible, seconded by Councilman Buechler, to adjourn from the Work Session at 8:01 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk