

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of July 2023, to authorize payment of Voucher Abstract #13, Vouchers #23-00589 to #23-00649, to be paid on July 12, 2023 as follows:

General Fund	\$	30,570.72
Highway	\$	9,377.12
Fire Protection	\$	50.00
Sewer	\$	2,197.75
Water	\$	8,579.10
Total	\$	50,774.69

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for May 2023 was \$178,174.02. This is an increase of \$36,590.04 when compared with May 2022. The total tax collected to date for 2023 is \$962,075.12 which is an increase of \$267,874.55 from 2022.

Councilman Leible reported that the July 4th Celebration was a success. He thanked the Highway Department and the Wendelville Fire Company for their assistance with the event. He also mentioned that he will be getting quotes to seal and stripe the Town Hall parking lot. Supervisor Maerten explained that the plan is to actually pave the parking lot this year. Councilman Leible also said that he will secure quotes to prepare the furnaces for the winter season.

Councilman Hickman stated that he is working on creating a seasonal bid calendar, finishing up a draft job description for a recreation position, completing his review on the parks' policy, and provided a brief update on the market. He said that the market director, Marissa Wroblewski, is doing a wonderful job with her team. He mentioned that Mrs. Wroblewski expressed concerns with the traffic flow at the market which he will work to resolve.

Councilmen Lombardo had nothing to report.

Councilmen Buechler had nothing to report.

Attorney Joerg had no updates to report.

DEPARTMENT HEADS

Town Clerk Maurer spoke about the Hometown Heroes Banner Program and stated that the first 19 banners will be printed and delivered this week. She also reported that she will be conducting a dog enumeration over the next 12 months noting that the first official announcement will be in the next town newsletter.

Highway and Water/Sewer Superintendent Fischer reported that during the month of June, his department mowed roadside ditches, chipped brush, mowed parks and cemeteries, weed wacked and picked up trash in parks and trail heads. They also washed trucks and equipment, black topped driveways after culvert replacements, and repaired equipment as needed. He also reported that work was done on the baseball diamonds, splash pad and community center location, as well as shared services with the towns of Cambria and Wheatfield.

Building Inspector Diedrich informed the Board that a building permit was issued for the West Herr dealership for their new location on South Transit Road. He also commented on the condition of the cedar plank at the new accessible bathroom and thinks that it should be painted or sealed.

Assessor Valentine stated that the Final Roll for 2023 was submitted to the Niagara County Real Property Office at the end of June and was approved. He also reported that his office is continuing to update the 2024 Roll record for sales and changes in property information noting that the new builds on Brauer Drive will be included in that roll.

NEW BUSINESS

RESOLUTION 175-23

SPCA AGREEMENT

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of July 2023, to approve the agreement with the Niagara SPCA, as corrected, for a term of 18 months, commencing the 1st day of July 2023 and expiring on the 31st day of December, 2024.

RESOLUTION 176-23

EXPENDITURE FOR GRINDER PUMP

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 10th day of July 2023, that grinder pump system components manufactured by Pentair Myers are declared as standardized equipment for use as a component of Town-owned sewer infrastructure; and

FURTHER, BE IT RESOLVED, that Fluid Kinetics, Inc. is recognized as the sole source provider of Pentair Myers products; and

FURTHER, BE IT RESOLVED, that the expenditure of \$13,689.00 for replacement of the grinder pump system at a specific service address is authorized. This resolution shall take effect immediately.

RESOLUTION 177-23

APPOINT SUPERVISOR'S OFFICE AS MINORITY BUSINESS OFFICER

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

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

WHEREAS, the Office of the Supervisor for the Town of Pendleton shall be designated as the Minority Business Officer for the Town of Pendleton.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of July 2023, that the Town Board of the Town of Pendleton appoints the Supervisor's Office (Joel Maerten) as the Town of Pendleton Minority Business Officer.

RESOLUTION 178-23

APPOINT SEASONAL EMPLOYEE

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 10th day of July 2023, that John Riester is appointed to the seasonal position of laborer, reporting to public works, compensated at an hourly rate of \$15.00 per hour. This resolution shall take effect immediately.

RESOLUTION 179-23

AUTHORIZE LOSAP INVESTMENT POLICY

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

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

WHEREAS, the Town of Pendleton relies on the Wendelville Fire Company, Inc. for fire, rescue, and emergency medical services; and

WHEREAS, the Town funds and maintains a Length of Service Award Program (LOSAP) for the volunteers of the Wendelville Fire Company; and

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Should the assessments upon benefitted real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project finance agreement prepared by the New York State Environmental Facilities Corporation (the "SRF Project Finance Agreement"). The Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Finance Agreement.

SECTION 12. Pursuant to a Resolution Approving Negative Declaration adopted by the Town on June 12, 2023, the Town determined that the undertaking of the construction, reconstruction, acquisition, and installation of a capital project known as the Campbell Boulevard Water Main Replacement Project is a Type II action that will not have a significant effect on the environment; and therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) (a) such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

- (2) said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 15. This resolution shall take effect immediately upon its adoption and is not subject to permissive referendum pursuant to Section 35.00b.(2) of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Joel Maerten	VOTING	<u>AYE</u>
Wolfgang Buechler	VOTING	<u>AYE</u>
Joseph Hickman	VOTING	<u>AYE</u>
David Leible	VOTING	<u>AYE</u>
Scott Lombardo	VOTING	<u>AYE</u>

The foregoing resolution was thereupon declared duly adopted.

RESOLUTION 182-23

SCHEDULE PUBLIC HEARING

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 10th day of July 2023, to schedule a Public Hearing on August 14, 2023 at 6:55 p.m. to allow for public input on a proposed local law regarding the Volunteer Firefighters and Ambulance Workers Exemption.

BOARD MEMBERS DISCUSSION

Supervisor Maerten stated that a Regular Board Meeting scheduled for August 14, 2023 at 7:00 p.m. There is no July Work Session scheduled at this time.

PUBLIC REMARKS/COMMENTS

A resident commented on the salary of the seasonal employee that was hired and questioned why a previous employee was hired at a higher rate. She also asked why the Town is taking out a bond that “we won’t use” and referred to the public notices published for a previous bond stating that there were inconsistencies in the notices. This same resident asked when there will be a Town Investment Policy and a Park Policy.

A second resident asked to see a copy of the LOSAP investment policy that was not published prior to the meeting. She was told that it is available under FOIL. She would also like to know why the costs associated with the splash pad are being taken from three different funds and how in-kind services of labor from the Highway Department are tracked for that project.

Motion by Councilman Leible, seconded by Councilman Lombardo, to enter into an Executive Session, with the Town Attorney and Deputy Town Supervisor, to discuss personnel matters at 8:45 p.m. Motion carried.

Motion by Councilman Buechler, seconded by Councilman Lombardo, to adjourn from the Executive Session and the Regular Meeting at 9:02 p.m. Motion carried.

Deborah K. Maurer, Town Clerk

PENDING APPROVAL