PENDLETON TOWN BOARD
REGULAR MEETING
May 12, 2025

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 May, 2025, at 7:00 p.m.

Supervisor Maerten called the meeting to order at 7:02 p.m.

Supervisor Maerten led the invocation and the Pledge of Allegiance.

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
Ron Diedrich - Building Inspector/Code Enforcement Officer
Tory Barnes - Building Inspector/Code Enforcement Officer
Miranda Freiert - Assessor
Patrick Covell - Recreation Director
Mark Walter – Deputy Supervisor
Tom Maturski – Budget Officer

There were 58 residents in attendance, 23 of whom were Starpoint students.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

No changes were made to the agenda.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

One resident commented on Agenda Item #4, requesting additional information about the General Fund Balance budget code and suggesting a correction to the Community Center Fixed Assets code. She also addressed Agenda Item #12, Cemetery Support, expressing concern over the lack of detail provided in the proposed resolution.

A second resident offered recommendations regarding the Budget Amendment resolution. He suggested correcting the budget code used for fixed assets and emphasized the need to allocate funds to the appropriate revenue account in order to maintain a balanced budget.

The final resident to speak echoed the correction needed for the fixed asset line and agreed with the previous comment about the revenue code. She also reiterated the need for more detailed information related to the resolution for Agenda Item #12, Cemetery Support, stating that the associated costs to the Town should have been included.

There were no additional comments from the public.

ROUTINE BUSINESS

RESOLUTION 150-25
MEETING MINUTES – APRIL 28, 2025
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 May 2025, that the meeting minutes from the Work Session held on November 25, 2024, are hereby approved as presented by Deputy Town Clerk Lemma.

RESOLUTION 151-25
ABSTRACT #9
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 May 2025, to authorize payment of Voucher Abstract #9, Vouchers #25-00399 to #25-00447, to be paid on May 14, 2025, as follows:

General Fund	$	20,395.49
Highway	$	16,867.08
Refuse	$	51,188.70
Sewer	$	6,094.82
Water	$	55,509.78
Total	$	150,055.87

OTHER REPORTS

Supervisor Maerten reported that the tax collected for March 2025 was $234,367.51. This is an increase of $15,823.57 when compared with March 2024. The year to date received is $617,103.19 which an increase of $7,402.21 from 2024.

Councilman Leible reported that articles for the summer edition of the Town newsletter are due by May 15th. He also noted that he is working on securing agreements for entertainment for the upcoming Fourth of July event.

Councilman Hickman stated that he participated in the Wendelville Fire Company's quarterly LOSAP report review alongside Councilman Buechler. Additionally, he and Supervisor Maerten recently met with Ms. Joyce O'Brien to discuss the needs and requests related to Pendleton Pickleball. He found the information provided to be helpful and will share it with Highway Superintendent Fischer.

Councilman Lombardo had no new updates to report.

Councilman Buechler confirmed that the Wendelville Fire Company's quarterly LOSAP report has been completed and that a final version will be submitted to the Town Clerk. He also shared that he participated in an interview with Assessor Freiert for the Assessor's Information Clerk position and attended a recent meeting of the Conservation Advisory Council (CAC). The CAC is exploring several initiatives, including setting up planters at the new Community Center, offering the public an option to purchase memorial trees or benches along the bike path, and installing dividers or barriers to separate the Craft Coffee House parking lot from the Town's property.

Attorney Joerg provided an update on New York State's new "even-year elections" legislation. Originally adopted in 2023, the law was subsequently challenged in court, resulting in a temporary pause. The case was appealed, and on May 7, 2025, the Fourth Department Appellate Division ruled that the legislation is constitutional and must be implemented beginning with the 2025 election cycle. He noted that this change will impact the upcoming terms of office for the Town Supervisor and two Town Council members.

Engineer Britton reported that the application for the New York State Office of Parks, Recreation and Historic Preservations' Municipal Parks and Recreation Grant Program (MPR), aka Depeau Park restoration project, has be successfully submitted.

Budget Officer Maturski said that as of now, 35-40% through 2025, the budget is on target. He also noted that, as per a recent publication from the Office of the State Comptroller, municipalities should be careful with their budget process for the next couple of years.

DEPARTMENT HEADS

Town Clerk Maurer reported that monthly reports were received from the Assessor, Building Inspector/Code Enforcement Officer, Dog Control Officer, Highway Superintendent, Town Engineer, and Niagara County Deputy Sheriff Rutkowski. 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 April:

Total State, County and Local Revenues	$	178,270.57
Water/Sewer Collection	$	87,912.15

Mrs. Maurer also presented a "Erie Railway" picture that was donated to the Town by Town Historian, Thomas Kraemer. Mr. Kraemer stated that the original picture is part of a personal collection of Dr. Eric Schmelz. Dr. Schmelz, was a former Pendleton native who passed away in 2024. His family still resides in the Pendleton area.

She also reminded everyone that the Pendleton Veterans Association (PVA) will be holding their annual flag sale on Friday, May 16th and Saturday, May 17th, at the PVA monument at Town Hall.

Building Inspector Diedrich reported that a recent code violation for the Holiday Inn Express has been resolved. He also introduced the new Building Inspector, Troy Barnes. Mr. Barnes was welcomed by the Board.

Assessor Freiert announced that the Tentative Assessment Roll is now available for public viewing on both the Town's website and Niagara County Real Property's website. She also reminded everyone that the Board of Assessment Review will be available on Grievance Day, scheduled for May 27, 2025, from 4:00 pm to 8:00 pm at Town Hall.

Recreation Director Covell reported that registration for the Summer Recreation Program is nearly complete. He also expressed his appreciation to Town Clerk Maurer for her efforts in establishing the online facility rental reservation system, noting that it is expected to be completed and available to the public in the coming months.

NEW BUSINESS

Next, Boy Scout Carter Kennedy appeared before the Board to present his proposed project for earning his Eagle Scout designation. Mr. Kennedy explained his plan to restore the old Erie Canal boat, which the Town acquired from the State, to make it suitable for display along Tonawanda Creek Road near Depeau Park. His project includes removing the existing paint, applying a fresh coat, and landscaping the surrounding area. Detailed plans had previously been submitted to the Town Board. A brief discussion followed, during which questions and concerns were addressed.

RESOLUTION 152-25
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 12th day of May 2025, that the Eagle Scout project, proposed by Carter Kennedy, is approved. This resolution shall take effect immediately.

RESOLUTION 153-25
FUA – STARPOINT CSD
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 May 2025, that the Facilities Usage Agreements (FUA) submitted by Starpoint Central School District for facilities usage on May 27, May 29, June 3, and June 4, 2025 are approved; and

FURTHER, BE IT RESOLVED, that in the event of unforeseen circumstances, such as inclement weather, that necessitate a reschedule of dates, the Recreation Coordinator is authorized to approve these dates should there be no conflicts with newly proposed dates; and

FURTHER, BE IT RESOLVED, that all fees associated with Starpoint Central Schools usage of Town properties are waived for facilities usage for the 2025 calendar year. This resolution shall take effect immediately.

RESOLUTION 154-25
FUA – MEDINA CSD
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 12th day of May 2025, that the Facilities Usage Agreement (FUA) submitted by Medina Central School District for facilities usage on May 7, 2025 is approved; and

FURTHER, BE IT RESOLVED, that all fees associated with Medina Central Schools usage of Town properties are waived for the proposed activities; and

FURTHER, BE IT RESOLVED, that in the event of unforeseen circumstances, such as inclement weather, that necessitate a reschedule of dates, the Recreation Coordinator is authorized to approve these dates should there be no conflicts with newly proposed dates. This resolution shall take effect immediately.

RESOLUTION 155-25
2025 BUDGET AMENDMENT AND BUDGET TRANSFER
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 May 2025, that the following budget amendment for the 2025 budget is approved:

Amended 2025 Budget: Community Center - Fixed Assets (A7130-200)

FURTHER, BE IT RESOLVED, that a budget transfer from General Fund Balance of $37,000.00 to Community Center - Fixed Assets (A7130-200) is approved. This resolution shall take effect immediately.

RESOLUTION 156-25
2025 BUDGET TRANSFERS
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 May 2025, that a transfer of $1,200.00 from Town Hall - Contractual (A1620-400) to Town Hall - Personnel (A1620-120) is approved. This resolution shall take effect immediately.

RESOLUTION 157-25
COMMUNITY CENTER PAVING BID
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 Board of the Town of Pendleton approved a project for the construction of a Community Center to be located adjacent to the Town Hall on Campbell Boulevard; and

WHEREAS, the Community Center project commenced and is near to completion; and

WHEREAS, the existing parking area adjacent to the new Community Center is inadequate for anticipated use and is in need of improvement that may include, but is not limited to, removal of existing material, grading, placement of base material, installation of drainage, and paving; and

WHEREAS, the Community Center Paving Project was approved as a Capital Project by the Town Board on November 12, 2024; and

WHEREAS, the Town Board accepted a proposal on January 13, 2025 from Nussbaumer & Clarke, Inc. for design and planning work for the Community Center Paving Project; and

WHEREAS, bid documents for this work have been created and presented to the Town Board for approval.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of May 2025, that advertisement of the bid documents titled Community Center and Park Access project is authorized; and

FURTHER, BE IT RESOLVED, that the Town Clerk is directed to advertise this project, as appropriate, with a bid submittal deadline of June 5, 2025 at 10:00 am with submittals being opened at 10:05 am. This resolution shall take effect immediately.

RESOLUTION 158-25
COMMUNITY CENTER FURNISHINGS (1 OF 3)
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 May 2025, that the proposed expenditure for Community Center furnishings quoted under NPS NYS Contract PC70286 by Eaton Office Supply, Inc. for $1,185.28 is approved. This resolution shall take effect immediately.

RESOLUTION 159-25
COMMUNITY CENTER FURNISHINGS (2 OF 3)
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 May 2025, that the proposed expenditure for Community Center furnishings quoted under Eaton Omni Contract R190301by Eaton Office Supply, Inc. for $16,200.10 is approved. This resolution shall take effect immediately.

RESOLUTION 160-25
COMMUNITY CENTER FURNISHINGS (3 OF 3)
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 May 2025, that the proposed expenditure for Community Center furnishings quoted under NPS NYS Contract PC70251by Eaton Office Supply, Inc. for $19,494.77 is approved. This resolution shall take effect immediately.

RESOLUTION 161-25
RESCHEDULE PUBLIC HEARING
Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0
WHEREAS, the Planning Board of the Town of Pendleton voted at the April 15, 2025 meeting to recommend the rezoning of 7235 Campbell Boulevard from a mixed zoning of Light Commercial and Residential to Light Commercial for the entirety of the parcel; and

WHEREAS, a public hearing was scheduled by resolution at the April 28, 2025 meeting of the Town Board; and

WHEREAS, proper publication of this public hearing was not possible and it is necessary to reschedule this public hearing.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of May 2025, that a public hearing is scheduled for June 9, 2025 at 6:55 pm to consider the application to change the mixed zoning of 7235 Campbell Boulevard (SBL 165.00-2-3) from mixed Light Commercial (CO-1) and Residential (R-2) to Light Commercial (CO-1) for the entirety of this parcel. This resolution shall take effect immediately.

RESOLUTION 162-25
WENDELVILLE FIRE COMPANY – NEW MEMBERS
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 May 2025, that the following individuals are approved for membership in the Wendelville Fire Company, Inc.:

Chenier, Christopher M. (Junior Member)
Chenier, Nicholas J. (Junior Member)
Wagner, Jacob L. (Active Member)
Riester, Grace C. (Active Member)

This resolution shall take effect immediately.

RESOLUTION 163-25
ACACIA PARK CEMETERY REQUEST
Motion by Councilman Hickman, seconded by Supervisor Maerten, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0
WHEREAS, the New York State General Municipal Law Chapter 24, Article 8, Section 165-A allows a municipal corporation to provide goods and/or services to a public cemetery corporation; and

WHEREAS, a request has been received from Acacia Park Cemetery Association to provide materials generally known as millings for driveway maintenance; and

WHEREAS, the Highway Superintendent has requested approval from the Town Board to provide this requested assistance.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 12th day of May 2025, that the Highway Superintendent is authorized to provide millings, as requested by the Acacia Park Cemetery Association, including transportation of such materials. This resolution shall take effect immediately.

RESOLUTION 164-25
SCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL LAW
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 May 2025, that a public hearing is scheduled for the proposed Local Law, A Local Law Establishing a Six-Month Moratorium on Battery Energy Storage Facilities, on June 9, 2025 at 6:50 pm. This resolution shall take effect immediately.

RESOLUTION 165-25
INVITATION TO BID NO. 1 – PROPERTY MAINTENANCE
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 May 2025, that Invitation to Bid No. 1 - Property Maintenance of Unmaintained Structures and Parcels, as presented, is approved.

FURTHER, BE IT RESOLVED, that the Town Clerk is directed to advertise the approved bid, as appropriate. This resolution shall take effect immediately.

PUBLIC REMARKS/COMMENTS

The first person to speak thanked Supervisor Maerten for clarifying the use of Town employees and materials at Acacia Park Cemetery but requested further details on revenue figures. Additionally, she commented on the proposal for the local law regarding the battery storage facilities and asked questions about the new Parks & Recreation website. Lastly, she mentioned receiving a potentially misleading newsletter from an external source that appears to be coming from the Town.

Another resident voiced specific concerns regarding the purpose of the Conservation Advisory Council. She urged the Town Board to assess whether the council aligns with its original intent as outlined in the Town Code.

No further public remarks or comments were made.

Supervisor Maerten has announced the following upcoming meetings:

- Tentative Town Board Work Session: No meeting is currently scheduled for Wednesday, May 28, 2025.
- Town Board Regular Meeting: Scheduled for June 9, 2025, at 7:00 p.m.

Motion by Councilman Leible, seconded by Councilman Hickman, to adjourn from the Regular Meeting at 7:59 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk