PENDLETON TOWN BOARD
PUBLIC HEARINGS & REGULAR MEETING
June 9, 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 9th day of June, 2025, at 7:00 p.m.

PUBLIC HEARING #1
PROPOSED LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM ON BATTERY ENERGY STORAGE FACILITIES

Supervisor Maerten opened the Public Hearing at 6:54 p.m.

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on May 30, 2025 and on the Town's website.

The purpose of the hearing was to hear from all interested parties and citizens regarding the adoption of a proposed local law entitled "Local Law Establishing a Six-Month Moratorium on Battery Energy Storage Facilities." A copy of said proposed Local Law, was made available at the Town Clerk's Office, 6570 Campbell Blvd, Lockport, New York 14094 and on the Town's website.

Supervisor Maerten opened up the floor to public comments.

Mrs. Annmarie Reeb, of Sheetram Road, spoke in support of the moratorium. She also stated that she was interested in how Section 2.b., regarding "adequate protection and equipment" and how it relates to Town employees. Mrs. Reeb also provided the Town Board with resources regarding implementing code changes about this topic that she thought might be helpful.

There were no additional comments from the public.

Motion made by Councilman Leible, seconded by Councilman Buechler, to close the Public Hearing at 6:57 p.m. Motion carried.

PUBLIC HEARING #2
REZONING APPLICATION

Supervisor Maerten opened the Public Hearing at 6:57 p.m.

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on May 30, 2025 and on the Town's website.

The purpose of the hearing was to receive public input on a request 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.

Supervisor Maerten opened up the floor to public comments.

Mrs. Annmarie Reeb briefly commented on her concerns about potential conflicts with nearby residential areas, including issues related to noise, traffic, and aesthetics, if commercial properties are situated too close to homes. Councilman Buechler and Engineer Britton provided additional information addressing her concerns.

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

There were 10 residents in attendance, two of whom were Starpoint students.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

- Add – Executive Session

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

One resident inquired about agenda item #12, Approval of Facilities Usage Contract, seeking clarification on whether the Town will receive revenue from this contract. Additionally, she asked about the purpose of the Sewer Remediation Trust Fund.

Another resident raised questions regarding the Capital Fund allocated for the Community Center, the legality of reimbursements to the Pendleton Seniors group, and employment appointments listed on the agenda. She also commented on the updated resolution concerning the costs associated with purchasing furniture for the Community Center.

No further comments were made by the public.

ROUTINE BUSINESS

RESOLUTION 166-25
MEETING MINUTES – MAY 12, 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 9th day of June 2025, that the meeting minutes from the Regular Meeting held on May 12, 2025, are hereby approved as presented by Town Clerk Maurer.

RESOLUTION 167-25
ABSTRACT #10
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 9th day of June 2025, to authorize payment of Voucher Abstract #10, Vouchers #25-00448 to #25-00500, which was paid on May 28, 2025, as follows:

General Fund	$	43,311.80
Highway	$	13,552.20
Capital Fund	$	2,873.97
Sewer	$	1,146.79
Water	$	2,978.93
Total	$	63,863.69

RESOLUTION 168-25
ABSTRACT #11
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 9th day of June 2025, to authorize payment of Voucher Abstract #11, Vouchers #25-00501 to #25-00557, to be paid on June 11, 2025, as follows:

General Fund	$	16,035.47
Highway	$	15,508.61
Capital Fund	$	322.92
Sewer	$	13,880.98
Water	$	4,036.59
Total	$	49,784.57

OTHER REPORTS

Supervisor Maerten reported that the tax collected for April 2025 was $193,364.58. This is an increase of $8,594.47 when compared with April 2024. The year to date received is $810,467.77 which an increase of $15,996.68 from 2024.

Councilman Leible shared details about the upcoming Fourth of July celebration, noting that there will be live music from 6:00 p.m. to 10:00 p.m., a magic show beginning at 7:30 p.m., and food available from the Boy Scouts, including hot dogs, hamburgers, pop, and water. An ice cream truck will also be on site. He further reported that the parking lot will be restriped after it is sealed and mentioned that he is currently in the process of obtaining quotes for the job.

Councilman Hickman had nothing to report.

Councilman Lombardo had nothing to report.

Councilman Buechler had nothing to report.

Attorney Joerg had nothing to report.

Engineer Britton had nothing to report.

DEPARTMENT HEADS

Town Clerk Maurer reported that monthly reports were received from the Assessor and Dog Control Officer. 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 May:

Total State, County and Local Revenues	$	23,581.81
Water/Sewer Collection	$	82,196.30

Mrs. Maurer shared that she has been taking some time off to recover from surgery but remains available as needed. She noted that her deputy clerks have been doing an excellent job managing the day-to-day operations of the office and added that she can be reached by phone or email if any additional assistance is required.

Highway Superintendent Fischer reported that the Splash Pad is now open and that the merry-go-round is in need of repair. He also agreed with Councilman Leible that the parking lot needs to be sealed. Mr. Fischer also noted that he and Engineer Britton recently inspected the cradle intended to display the buoy boat and found it to be in poor condition.

Building Inspector Barnes stated that the Building Department issued 34 permits and conducted 32 inspections in the month of May.

Assessor Freiert had nothing to report.

Recreation Director Covell provided updates on the Summer Recreation Program, the Pendleton Station Market, and park pavilion rentals. He also reported that he and Superintendent Fischer met with Four Seasons Childcare Center to discuss renewing the contract for use of the facilities at Nine Mile Island. In addition, he met with the Pendleton Athletic Booster Association (PABA) to address practice location options within the Town, as they are unable to use Starpoint's grounds this year.

NEW BUSINESS

Motion by Councilman Leible, seconded by Councilman Buechler, to enter into an Executive Session with Deputy Town Supervisor Walter, Town Attorney Joerg, Building Inspector Barnes, then Assessor Freiert, to discuss employee matters, at 7:13 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Executive Session at 7:41 p.m. Motion carried.

RESOLUTION 169-25
APPROVAL OF LOCAL LAW NO. 02 OF 2025
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 did schedule a public hearing for a Local Law Establishing a Six-Month Moratorium on Battery Energy Storage Facilities on May 12, 2025 and this public hearing was scheduled for June 9, 2025 at 6:55 pm; and

WHEREAS, the scheduled public hearing was held and all public comments were considered by the Town Board; and

WHEREAS, it is recommended to approve the Local Law, as presented.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that the Local Law Establishing a Six-Month Moratorium on Battery Energy Storage Facility is approved. This resolution shall take effect immediately.

LAW NO. 02 OF THE YEAR 2025
TOWN OF PENDLETON, COUNTY OF NIAGARA COUNTY, STATE OF NEW YORK
TITLE: A LOCAL LAW ESTABLISHING A SIX-MONTH MORATORIUM ON BATTERY ENERGY STORAGE FACILITIES

Be it hereby enacted by the Town Board of the Town of Pendleton as follows:

Section 1: Enactment and Authorization

The Town Board of the Town of Pendleton does hereby ordain and enact the Town of Pendleton Moratorium on Battery Energy Storage Facilities pursuant to authority and provision of Section 10 of the Municipal Home Rule Law.

Section 2: Purpose, Intent, And Findings.

a. The Town Board finds that the Town Code as it currently exists does not adequately regulate battery energy storage facilities in the Town of Pendleton.

b. In the interest of protecting public health, welfare, and safety for residents, visitors and first-responders alike, the Town Board further finds that a local law governing the siting, pre-incident planning and education, continuing education and training, adequate protection and equipment, and implementation of best practices is necessary to reduce risks associated with potential hazards related to battery energy storage facilities.

c. It is the purpose of this moratorium to maintain the status quo and stop the acceptance, review, and permitting of any application for construction and/or operation of a battery

energy storage facility for a reasonable time while the Town Board develops and considers amendments to the Town Code governing such facilities.

Section 3: Definitions. For the purposes of this local law, the following definitions shall apply:

a. BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this moratorium, batteries utilized in commonly-used consumer products, such as television remotes and smoke detectors, are excluded from these requirements.

b. BATTERY ENERGY STORAGE FACILITY: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Section 4: Imposition of Moratorium. For a period of one hundred and eighty (180) days from and after the adoption date of this law, no application for construction or operation of battery energy storage facilities may be filed, accepted or processed by the Town of Pendleton. For the purpose of this law an application for any permits or review of the construction or operation of such a battery energy storage facility shall be deemed to mean any request for official action by the Town Board, Planning Board, Zoning Board of Appeals, or Building Inspector, which request and approval would in any way commence or continue the process whereby battery energy storage facility(ies) are or may be constructed or erected. It also includes any applications now on file with the Town for approvals or action so that any applications now under review do not proceed until this Board may complete its review with respect to such battery energy storage facilities and have the opportunity to consider and enact comprehensive Code changes, as appropriate.

Section 5: Exception to Moratorium. The exceptions to this moratorium are as follows:

a. If the Town Board shall have adopted a local law determining that this moratorium shall no longer be effective; or

b. The Town Board shall have adopted a local law amending and updating the regulations for the construction or operation of battery energy storage facilities.

Section 6: Waiver. An application for a waiver from the terms of this moratorium may be submitted, with a $200 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Code of the Town of Pendleton, such waiver requests shall be considered by the Town Board in accordance with the requirements for a waiver.

Section 7: Extension of Moratorium. At the discretion of the Town Board, this moratorium may be extended for one (1) additional three (3) month period, by resolution.

Section 8: Validity. If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of the law.

Section 9: Severability. If any clause, sentence, paragraph or part of this local law or the application thereof to any person or circumstances shall be adjudged by any court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

Section 10: Effective Date. This Chapter shall be effective immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION 170-25

RESOLUTION DECLARING SEQR DETERMINATION OF FOR THE REZONING OF A PARCEL (7235 CAMPBELL BOULEVARD) FROM RESIDENTIAL R-2 TO LIGHT COMMERCIAL (CO-1)

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 has received a request to rezone the mixed zone parcel located at 7235 Campbell Boulevard SBL 165.00-2-3 from Residential R-2 to Light Commercial (CO-1) to allow for development as an allowable use under the zoning code, and

WHEREAS, the rezoning of a parcel constitutes an action under the State Environmental Quality Review Act (SEQR), and is classified as an Unlisted action pursuant to 6 NYCRR Part 617, and

WHEREAS, a Short Environmental Assessment Form (SEAF) was completed and submitted to evaluate potential environmental impacts; and

WHEREAS, the Town Board has reviewed the environmental assessment form, and has duly considered the criteria for determining significance as set forth in 6 NYCRR §617.7(c); and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, as Lead Agency under SEQR, hereby determines that the proposed rezoning of 7235 Campbell Boulevard SBL 165.00-2-3 from Residential R-2 to Light Commercial (CO-1) will not result in any significant adverse environmental impacts, and hereby issues a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617.

RESOLUTION 171-25
APPROVAL OF REQUESTED ZONING CHANGE FOR 7235 CAMPBELL BLVD
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 did present a request to rezone a mixed zone parcel from Residential (R-2) to Light Commercial (CO-1) to allow for potential development as an allowable commercial use of the parcel of property located on 7235 Campbell Boulevard in the Town of Pendleton; 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 the mixed zone parcel to Light Commercial (CO-1), in anticipation of the property owner submitting an application for the development of the parcel.

WHEREAS, a public hearing is required for the requested property rezoning.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that the request to rezone SBL 165.00-2-3 from the current mixed zoning, which includes Residential (R-2), to Light Commercial (CO-1) for the entirety of parcel is approved. This resolution shall take effect immediately.

RESOLUTION 172-25
TEMPORARY ASSESSOR - POSITION MODIFICATION
Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

WHEREAS, an individual was appointed to the position of Temporary Assessor by resolution of the Town Board of the Town of Pendleton on January 13, 2025; and

WHEREAS, upon mutual agreement between the Town and the position incumbent, it is recommended to modify the conditions of employment based on a reduction in hours worked; and

WHEREAS, it is recommended that the Town Board approve a modification in compensation due to the reduction in hours worked for this position.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that Thomas Valentine, currently employed in the position of Temporary

Assessor, will be compensated at a monthly rate of $900.00 per month. Such compensation will be paid following the current biweekly payroll schedule. This resolution shall be effective as of June 2, 2025.

RESOLUTION 173-25
APPOINTMENT TO ASSESSORS INFORMATION CLERK
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 approved the advertisement of the position of Assessor's Information Clerk; and

WHEREAS, the Town of Pendleton worked with Niagara County Civil Service to identify eligible candidates for this position; and

WHEREAS, an individual was interviewed for the position of Assessor's Information Clerk; and

WHEREAS, a recommendation has been made to the Town Board for appointment to the position of Assessor's Information Clerk.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025 that Colleen Gebauer is appointed to the full-time position of Assessor's Information Clerk with a rate of compensation of $21.00 per hour and this appointment will begin on July 14, 2025.

FURTHER, BE IT RESOLVED, that health benefits will be made available after six (6) months of employment and the probationary period for this position shall be twelve (12) months. This resolution shall take effect immediately.

RESOLUTION 174-25
ACCEPTANCE OF RESIGNATION (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 9th day of June 2025, that the letter of resignation submitted by Building Inspector Ronald Diedrich, for the purposes of retirement, is accepted. This resolution shall be effective as of June 6, 2025.

RESOLUTION 175-25
APPOINTMENT TO PART-TIME BUILDING DEPT. POSITION
Motion by Councilman Hickman, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 1 Leible
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9th day of June 2025, that Ronald Diedrich is appointed to the part-time position of Building Inspector at the rate of compensation of $29.00 per hour. This resolution shall take effect immediately.

RESOLUTION 176-25
ACCEPTANCE OF RESIGNATION (2 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 9th day of June 2025, that the resignation of Jenna Kanel from the position of Recreation Leader for the Summer Recreation Program is accepted. This resolution shall take effect immediately.

RESOLUTION 177-25
APPROVAL OF HIRING FOR SUMMER RECREATION POSITIONS
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 9th day of June 2025, that the following individuals are appointed to multiple Summer Recreation Program positions:

Maghrak, Samantha - Recreation Leader
Ciraolo, Diega - Lifeguard
Ciraolo, Dominic - Lifeguard
Ciraolo, Vincent- Lifeguard

This resolution shall take effect immediately.

RESOLUTION 178-25
COMMUNITY CENTER FURNISHINGS APPROVAL (1 OF 2)
Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0
WHEREAS, an expenditure was authorized by the Town Board at the May 12, 2025 meeting for the purchase of furnishings for the Community Center; and

WHEREAS, the pricing has changed, per the vender, and action by the Town Board is necessary to approve this change in pricing.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that the proposed expenditure for Community Center furnishings quoted under NPS NYS Contract PC70251by Eaton Office Supply, Inc. for $19,494.77, now quoted with the price change in the amount of $20,150.84, is approved. This resolution shall take effect immediately.

RESOLUTION 179-25
COMMUNITY CENTER FURNISHINGS APPROVAL (2 OF 2)
Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0
WHEREAS, an expenditure was authorized by the Town Board at the May 12, 2025 meeting for the purchase of furnishings for the Community Center; and

WHEREAS, a new quote has been provided by the vendor and action by the Town Board is necessary to approve this change in pricing.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that the proposed expenditure for Community Center furnishings quoted under NPS NYS Contract R190301by Eaton Office Supply, Inc. for $16,200.10, now quoted in the amount of $13,890.10, is approved. This resolution shall take effect immediately.

RESOLUTION 180-25
APPROVAL OF FACILITIES USAGE CONTRACT
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 9th day of June 2025, that the agreement between the Town of Pendleton and Eilmar (D/B/A Four Seasons Child Care Center) is approved, pending acceptance of insurance provided by Eilmar; and

FURTHER, BE IT RESOLVED, the Supervisor, in collaboration with the Town's insurance representative, is authorized to make a final determination of acceptance of the insurance provided by Eilmar. This resolution shall take effect immediately.

RESOLUTION 181-25
APPROVAL OF ROAD CLOSURE
Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0
WHEREAS, Main Road, a public roadway intersecting with Mapleton Road at its north terminus and Campbell Boulevard at its south terminus, is a road maintained by the Town of Pendleton; and

WHEREAS, the Town Board has received a request from the Wendelville Fire Company, Inc. to close Main Road to traffic on June 24, 2024 from 5:00 pm to 9:30 pm for reasons that include fundraising for the Fire Company.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that the Wendelville Fire Company, Inc. is authorized to close Main Road to traffic on June 24, 2025 from 5:00 pm to 9:30 pm. This resolution shall take effect immediately.

RESOLUTION 182-25
APPROVAL FOR PURCHASE OF DIGITAL KEYS
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 9th day of June 2025, that the purchase of security keys from CDW-G, as quoted, is approved for an amount of $3,204.63. This resolution shall be effective immediately.

RESOLUTION 183-25
APPROVAL OF PENDLETON STATION MARKET (PSM) VENDOR APPLICATION
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 9th day of June 2025, that the Pendleton Station Market Vendor Application is approved as presented. This resolution shall take effect immediately.

RESOLUTION 184-25
APPOINTMENT TO POSITION - PSM
Motion by Councilman Hickman, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0
WHEREAS, through the vision and efforts of dedicated residents, a farmers' market has been reestablished in the Town of Pendleton; and

WHEREAS, the farmers' market has been branded and advertised as the Pendleton Station Market; and

WHEREAS, the Town's residents and patrons of the Pendleton Station Market look forward to another season in 2025; and

WHEREAS, the Recreation Director has requested reappointment of an individual to the position responsible for operation of the Pendleton Station Market.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that Christa Durshordwe is appointed to the position of Seasonal Help - Clerical and shall be compensated at a rate of $4,500.00 paid annually, prorated from June 1, 2025 through the end of the year. This resolution shall take effect immediately.

RESOLUTION 185-25
WAIVER OF FEES FOR PSM
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 9th day of June 2025, that the vendor permit fees related to the Pendleton Station Market for all not-for-profit organizations participating for informational purposes are waived. This resolution shall be valid from the date passed through December 31, 2025. This resolution shall take effect immediately.

RESOLUTION 186-25
WAIVER OF FEES FOR TOWN FIREWORKS CELEBRATION
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 9th day of June 2025, that any and all fees associated with the planned July 4, 2025 fireworks show in the Town Park are waived for the Town, its contractor, and vendors. This resolution shall take effect immediately.

RESOLUTION 187-25

APPROVAL OF PAYMENT OF INFILTRATION & INFLOW (I&I) OFFSET FEE

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 9th day of June 2025, that in accordance with the Pendleton Town Code Section 209-14, the required Infiltration & Inflow (I&I) offset fee of $11,214.00 shall be paid to the Sewer Remediation Trust Fund.

FURTHER, BE IT RESOLVED, that such fee shall be paid prior to issuance of the Project Sanitary Sewer Certification of Construction Compliance as required by the Department of Health (DOH). This resolution shall take effect immediately.

RESOLUTION 188-25

APPROVAL OF PUBLIC IMPROVEMENT PERMIT APPLICATIONS – REGENCY ESTATES

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

WHEREAS, a major subdivision has been proposed to the Planning Board of the Town of Pendleton that includes the construction of a new road that connects to Campbell Boulevard; and

WHEREAS, this proposed project is located at property SBL 136.00-1-46.12 on the east side of Campbell Boulevard, north of the intersection with Feigle Road; and

WHEREAS, the owner or owner's representative has submitted multiple Applications for Permits to Construct a Public Improvement for this proposed project; and

WHEREAS, the Town Engineer has recommended acceptance of this application.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that the Application for Permit to Construct a Public Improvement for the proposed Regency Estates development is approved. This resolution shall take effect immediately.

RESOLUTION 189-25

REQUEST FOR SEWER CONNECTION

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 9th day of June 2025, that the Supervisor is authorized to submit a request to the Niagara County Sewer District No. 1 for a connection Sanitary Sewer System Manhole 21-49. This resolution shall take effect immediately.

RESOLUTION 190-25

SCHEDULE PUBLIC HEARING - SEWER IMPROVEMENT AREA EXTENSION

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 9th day of June 2025, that a public hearing shall be scheduled for July 14, 2025 at 6:50 p.m. for the proposed extension of Sewer Improvement Area #1 to include the Regency Estates subdivision. This resolution shall take effect immediately.

RESOLUTION 191-25
SCHEDULE OF PUBLIC HEARING - STORMWATER DISTRICT
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 9th day of June 2025, that a public hearing shall be schedule on July 14, 2025 at 6:55 p.m. for approval of a Stormwater Maintenance District for the Regency Estates subdivision. This resolution shall take effect immediately.

RESOLUTION 192-25
MODIFICATION OF APPROVED STREET NAME
Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0
WHEREAS, a major subdivision has been proposed to the Planning Board of the Town of Pendleton that includes the construction of a new road that connects to Campbell Boulevard; and

WHEREAS, this proposed project is located at property SBL 136.00-1-46.12 on the east side of Campbell Boulevard, north of the intersection with Feigle Road; and

WHEREAS, the owner or owner's representative proposed that the name for the new road to be Garrett's Way; and

WHEREAS, the Planning Board has requested final approval of the new street name by the Town Board; and

WHEREAS, the Town Board approved the new street name of Garrett Way at the March 10, 2025 meeting; and

WHEREAS, the owner has requested the new street name be changed from Garrett Way to Garrett Lane.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that the proposed street name of Garrett Lane for a road to be constructed on property SBL 136.00-1-46.12 is approved. This resolution shall take effect immediately.

RESOLUTION 193-25
ACCEPTANCE OF BID (1 OF 2) – PROPERTY MAINTENANCE OF UNMAINTAINED STRUCTURES
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 did authorize by resolution on May 12, 2025 the advertisement of Invitation to Bid No. 1 - Property Maintenance of Unmaintained Structures; and

WHEREAS, the appropriate documentation was advertised, submittals were collected by the Town Clerk, and the results reported to the Town Board upon closing at the advertised date and time; and

WHEREAS, it is recommended to approve the lowest price bid.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that the bid submitted by Deering Landscape Contractors, as included with this resolution, is accepted. This resolution shall take effect immediately.

RESOLUTION 194-25
APPROVAL OF COMMUNITY CENTER CHANGE ORDER GC-25
Motion by Supervisor Maerten, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 3 Maerten, Buechler, Hickman
Nays 2 Leible, Lombardo

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-25 related to Painting and Installing Crown Molding is recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that proposed Change Order GC-25 at a cost of $11,235.50, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 195-25
ACCEPTANCE OF BID (2 OF 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 Town Board of the Town of Pendleton did authorize by resolution on May 12, 2025 the advertisement of Invitation to Bid - Community Center Paving Project; and

WHEREAS, the appropriate documentation was advertised, submittals were collected by the Town Clerk, and the results reported to the Town Board upon closing at the advertised date and time; and

WHEREAS, it is recommended to approve the lowest price bid.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that the base bid submitted by Northeast Diversification for $204,675.00 is accepted.

FURTHER, BE IT RESOLVED, that the bid alternate submitted by Northeast Diversification for $24,725.00 is accepted. This resolution shall take effect immediately.

RESOLUTION 196-25
AUTHORIZATION OF FILING OF APPLICATION – DEPEAU PARK
Motion by Councilman Buechler, seconded by Councilman Leible, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0
WHEREAS, the Town of Pendleton endeavors to provide access to diverse recreational opportunities, community gathering spaces, and modern amenities for its residents and visitors of all ages and abilities; and

WHEREAS, the Town of Pendleton has an occupancy permit and agreement with the New York State Canal Corporation to operate and maintain approximately 8.5 acres of public land for recreational purposes at Depeau Park, located on the west side of the Erie Canal at the corner of Oakwood Drive and Tonawanda Creek Road; and

WHEREAS, the Town of Pendleton has developed, in collaboration with
Peter J. Smith and company, inc. a Master Plan for the Pendleton town park system that contains recommendations for the most effective use of the properties that will maximize recreational and environmental values; and

WHEREAS, the Town Board of the Town of Pendleton adopted an addendum to its Town Parks Master Plan in 2021 containing updated recommendations for the improvement of its municipal parks, including Depeau Park; and

WHEREAS, the *Depeau Park Restoration and Improvement Project* represents a unique opportunity for the Town of Pendleton to enhance community gathering spaces and popular recreational facilities; and

WHEREAS, the *Depeau Park Restoration and Improvement Project* involves the restoration of tennis and roller hockey courts, replacement of perimeter fencing, and construction of an ADA-accessible shelter; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of June 2025, that Joel Maerten, Supervisor of the Town of Pendleton, is hereby authorized and directed to file an electronic Consolidated Funding Application in accordance with the endorsement standards set forth by the New York State Regional Economic Development Councils, through the New York State Office of Park, Recreation and Historic Preservations' Park Development Program, in an amount no less than 50% of the approved funding and, upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the *Depeau Park Restoration and Improvement Project.*

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pendleton hereby re-affirms the Pendleton Town Parks Master Plan of 2007 (addendum adopted May 2021).

RESOLUTION 197-25
FUA CONTRACT AMENDED
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 9th day of June 2025, to acknowledge and amend the typographical error in the published Facilities Usage Contract between the Town of Pendleton and Elmar, Inc. D/B/A Four Seasons Child Care Center, specifically on line 17, where “20254” should read “2025”. [see RESOLUTION 180-25]

Supervisor Maerten has announced the following upcoming meetings:

- Tentative Town Board Work Session: No meeting is currently scheduled for Monday, June 23, 2025.
- Town Board Regular Meeting: Scheduled for July 14, 2025, at 7:00 p.m.
- Public Hearings: Scheduled for July 14, 2025, beginning at 6:50 p.m.

PUBLIC REMARKS/COMMENTS

A resident began by thanking the Town Board for responding to questions raised earlier in the meeting and also expressed appreciation to the Town Clerk for including additional details on the agenda. She then inquired about which funds would be used to cover the property maintenance costs outlined in RESOLUTION 193-25 *ACCEPTANCE OF BID (1 OF 2) – PROPERTY MAINTENANCE OF UNMAINTAINED STRUCTURES*. Additionally, she requested clarification on how many grant applications have been submitted for Depeau Park, asked how residents can find out how much money remained from the 2024 budget year, and reminded the Board to ensure that amended budgets are published for public access.

No further public remarks or comments were made.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Regular Meeting at 8:30 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk