PENDLETON TOWN BOARD
REGULAR MEETING
August 11, 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 11th day of August, 2025, at 7:00 p.m.

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

Supervisor Maerten led the invocation and the Pledge of Allegiance. A moment of silence was observed in memory of our current Councilman, David A. Leible, who passed away unexpectedly on August 10th.

Roll Call:

Supervisor Maerten	Present
Councilman Buechler	Present
Councilman Hickman	Present
Councilman Lombardo	Present

Also present:
Deborah Maurer - Town Clerk
Claude Joerg - Town Attorney
David Britton - Town Engineer
Dave Fischer - Highway/Water & Sewer Superintendent
Troy Barnes - Building Inspector/Code Enforcement Officer
Miranda Freiert - Assessor
Patrick Covell - Recreation Director
Mark Walter – Deputy Supervisor

There were 12 residents in attendance.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

No amendments were made to the agenda.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

The first resident asked questions regarding the voucher abstracts scheduled for approval, specifically referencing payments for culvert pipes on Aiken Road, the cleaning contract for the Highway Garage, an insurance payment made on behalf of the Pendleton Veterans Association (PVA), and expenses related to the Pendleton Senior Citizens Club (PSCC). She inquired why the Town's procurement policy was not being followed and whether the Town maintains contracts with the PVA and PSCC.

Another resident also commented on the abstracts, questioning how payments were being made under the H Fund when the budget does not include any appropriations.
No further comments were made by the public.

ROUTINE BUSINESS

RESOLUTION 212-25
MEETING MINUTES – JULY 14, 2025
Motion by Councilman Hickman, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, that the meeting minutes from the Regular Meeting held on July 14, 2025, are hereby approved as presented by Town Clerk Maurer.

RESOLUTION 213-25
ABSTRACT #14
Motion by Councilman Lombardo, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, to authorize payment of Abstract #14, Vouchers #25-00692 to #25-00770*, which was paid on July 30, 2025, as follows:

General Fund	$	129,180.25
Highway	$	4,192.72
Capital Fund	$	501.38
Refuse	$	50,476.69
Sewer	$	9,121.89
Water	$	1,521.60
Trust & Agency	$	2,670.00
Total	$	197,664.53

**Vouchers 25-00692 and 25-00698 were voided.*

RESOLUTION 214-25
ABSTRACT #15
Motion by Councilman Lombardo, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, to authorize payment of Voucher Abstract #15, Vouchers #25-00771 to #25-00839, to be paid on August 13, 2025, as follows:

General Fund	$	29,109.00
Highway	$	19,723.70
Capital Fund	$	97,498.82
Refuse	$	54,368.15
Sewer	$	13,258.06
Water	$	3,825.69
Total	$	217,783.42

OTHER REPORTS

Supervisor Maerten reported that the tax collected for June 2025 was $257,999.10. This is an increase of $45,918.35 when compared with June 2024. The year to date received is $1,266,191.83 which an increase of $70,947.50 from 2024.

Supervisor Maerten continued by saying that the Budget Officer is working on a draft 2026 Budget that will be presented to the Town Board in early September. He reminded department heads to communicate any specific needs to the Budget Officer as soon as possible.

Councilman Hickman reported that he spoke with Ed Dore of Dore Landscaping regarding missed landscaping maintenance in July. Mr. Dore assured him that the work would be addressed immediately. Councilman Hickman added that they also discussed several other issues that may need to be considered in the future.

Councilman Lombardo reported that he has been actively involved with recent repairs needed to the air conditioning systems at Town Hall. He also stated that he and Councilman Leible were in the process of obtaining quotes for new furnaces at Town Hall. Once received, the quotes will be provided to the Budget Officer for consideration in the 2026 Budget.

Councilman Buechler remarked that on a recent trip to Town Hall he noticed that the ball diamonds were packed and how nice it is to so many people utilizing our fields.

Attorney Joerg had nothing to report.

Engineer Britton provided updates on the following projects:

- GIS Implementation for utility mapping: Sanitary sewer manhole location and condition assessment is underway.
- Community Center: Trim work and concrete work are complete; the parking lot project is underway and expected to be finished by the end of August.
- Regency Estates Subdivision: The contractor has been working on establishing grades for the road and digging ponds.

DEPARTMENT HEADS

Town Clerk Maurer began by offering her condolences to the family of Councilman David Leible, who passed away suddenly. She expressed her respect and appreciation for his more than 20 years of service to the Town, noting that his dedication made a lasting impact on the community and that his absence will be deeply felt.

Next, Mrs. Maurer reported that monthly reports were received from the Assessor, Building Inspector, Dog Control Officer, Engineer, and Niagara County Deputy Sheriff Rutkowski. These reports, along with the monthly reports for the Town Clerk and Water/Sewer collection, have been posted online with the agenda documents.

She also informed the Board of the following revenues collected during the month of July:

- Total State, County, and Local Revenues: $23,290.98
- Water/Sewer Collection: $91,794.65

Mrs. Maurer further stated that she and Building Inspector Barnes sent letters to certain residents in the Bear Ridge Road area to inform them of potential eligibility for up to 50% reimbursement of septic system replacement costs. This opportunity is available through a grant Niagara County received under the New York State Septic System Replacement Program.

Highway Superintendent Fischer reported that his department began a culvert replacement project on Aiken Road earlier today and anticipates reopening the road to thru traffic by the end of the week. He also provided an update on repairs to the merry-go-round area at Mason's Mission Park, noting that the drainage work has been completed and the area should reopen by the weekend. Building Inspector Barnes stated that he had nothing additional to report beyond what was included in his monthly report posted online.

Assessor Freiert reminded residents that if they receive a letter from New York State regarding the STAR Exemption/Credit program, they must respond in order to continue receiving the credit. She also explained that beginning with the 2026–2027 school tax year, the Enhanced STAR program will be fully administered by New York State, and residents will no longer apply through the Assessor's Office.

Recreation Director Covell reported that the final day of the 2025 Summer Recreation Program will be Tuesday, August 9. He and Summer Recreation Director Monica Wall are already working on the budget for next year's program. He also reminded residents that the Pendleton Station Market will be open on Sunday, August 20. In addition, Mr. Covell noted that the Buffalo Bomb Squad has concluded its 2025 baseball season, and that the Pendleton Athletic Booster Association (PABA) is currently using the Town's fields for practice while Starpoint undergoes construction.

NEW BUSINESS

Supervisor Maerten began by explaining that the first resolution to be considered pertained to the Bear Ridge Solar Project's request for a Payment in Lieu of Taxes (PILOT) Agreement. He noted that the counsel assisting the Town with this project has drafted a letter, to be sent by both the Town of Pendleton and the Town of Cambria, to the Niagara County Industrial Development Agency regarding the potential PILOT Agreement.

RESOLUTION 215-25
ACTION RELATED TO RENEWABLE ENERGY PROJECT
Motion by Councilman Lombardo, seconded by Councilman Buechler, the following resolution was

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, the Supervisor is authorized to submit the presented letter related to the Bear Ridge Solar Project to the Niagara County Industrial Development Agency. This resolution shall take effect immediately.

RESOLUTION 216-25

2025 BUDGET TRANSFERS

Motion by Councilman Hickman, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, that the following budget transfers for the 2025 budget are approved:

	Transfer To:			**Transfer From:**		
#	**Budget Code**	**Description**	**Amount**	**Budget Code**	**Description**	**Amount**
1	A00-1420-410	Attorney Contractual	$9,000	A00-1420-400	Attorney - Contractual Lit.	$9,000
2	A00-1420-440	Attorney Solar	$2,701	A00-1420-400	Attorney - Contractual Lit.	$2,701
3	A00-1440-413	General Engineering-Support Services	$9,000	A00-1440-400	Engineer Contractual	$9,000
4	A00-1620-120	Town Hall - Town Hall Work	$50	A00-1620-110	Personnel Svc Cleaner	$50
5	A00-1989-450	Farmer's Market Supplies	$50	A00-1989-410	Business Dev - Farmer's Market	$50
6	A00-7130-400	Community Center - Contractual	$15,770	A00-7120-100	Recreation - Personnel Summer Rec	$15,770
7	A00-7140-200	Playgrounds & Rec - Fixed Assets	$14,414	A00-7140-100	Playgrounds & Rec Personnel Svc	$14,414
8	A00-8010-410	Zoning Bd of Appeals - Public Hearings	$35	A00-8010-100	Zoning Bd of Appeals - Personnel Svc	$35
9	A00-8540-110	Drainage - Personnel Svc Storm Water	$1,815	A00-8540-100	Drainage - Personnel Svc	$1,815
10	A00-1640-400	Central Garage - Contractual	$10,000	A00-1640-100	Central Garage Cleaner	$10,000
11	SS0-8110-410	Office Supplies	$750.00	SS0-8110-440	Equipment Rental	$750.00

RESOLUTION 217-25

INITIATION OF PROPERTY ACQUISITION – DEPEAU PARK

Motion by Councilman Hickman, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0

WHEREAS, the Town of Pendleton operates and maintains a recreational area known as Depeau Park, which is located adjacent to the intersection of Tonawanda Creek Road and Irish Road; and

WHEREAS, the majority of Depeau Park's property is owned by the New York State Canal Corp., which has authorized such use of the property annually through an established permitting process; and

WHEREAS, the Town has pursued multiple grant funding opportunities to improve Depeau Park and the issue of ownership is an impediment to awarding of funds; and

WHEREAS, the New York State Canal Corp. has an abandonment process through which the Town may request approval to purchase property; and

WHEREAS, Town Board authorization to initiate an application for abandonment of the Depeau Park property is appropriate.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of August 2025, that the Supervisor may initiate the property abandonment process with the New York State Canal Corp. for the Depeau Park property. This resolution shall take effect immediately.

RESOLUTION 218-25
EXPENDITURE FOR NETWORK SECURITY DEVICES
Motion by Councilman Buechler, seconded by Councilman Lombardo, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, that the quote for security keys from CDW-G for $4,150.00 is accepted and approved. This resolution shall take effect immediately.

RESOLUTION 219-25
EXPENDITURE FOR NETWORK COMPONENT
Motion by Councilman Hickman, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, that the expenditure for multiple items related to Town Hall network updating, as quoted by CDW-G, for $9,646.05 is approved. This resolution shall take effect immediately.

RESOLUTION 220-25
SURPLUS IT EQUIPMENT
Motion by Councilman Hickman, seconded by Councilman Lombardo, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, that the following items are declared surplus for removal and disposal purposes:
Make/Model: SuperMicro 813m-2
Hard Drive Count: (3)
S/N: S5FGTMT10A02786
Alternate S/N: 945227

FURTHER, BE IT RESOLVED, that Niagara County Information Technology is authorized to take possession of these items for appropriate disposal, including necessary action to ensure all data contained on these items is no longer accessible. This resolution shall take effect immediately.

RESOLUTION 221-25
ACCEPTANCE OF NOTICE OF RESIGNATION
Motion by Councilman Hickman, seconded by Councilman Lombardo, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, the official notification from Peter Bayer of resignation for purposes of retirement, effective February 27, 2026, is accepted and approved. This resolution shall take effect immediately.

RESOLUTION 222-25
ADVERTISEMENT OF POSITION FOR BUILDING INSPECTOR
Motion by Councilman Buechler, seconded by Councilman Hickman, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, that the Supervisor is authorized to request Niagara County Civil Service to canvas the current eligible list for the Building Inspector title; and

FURTHER, BE IT RESOLVED, the advertisement for the part-time and full-time Building Inspector position, as presented, is approved. This resolution shall take effect immediately.

RESOLUTION 223-25
PROPOSAL FOR PROFESSIONAL SERVICES – PARK RECREATION AREA IMPROVEMENT PROJECT
Motion by Councilman Hickman, seconded by Councilman Buechler, the following resolution was

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

WHEREAS, the Town of Pendleton operates parks known as the Town Park and Depeau Park, located on Campbell Boulevard and Tonawanda Creek Road, respectively; and

WHEREAS, each park contains developed areas that include tennis courts and a hockey area; and

WHEREAS, the Town Board of the Town of Pendleton approved a Capital Project at the February 10, 2025 meeting focused on the improvement and rehabilitation of these paved surfaces, fencing, and other needs related to ongoing usage of these park amenities; and

WHEREAS, the Town's engineer, Nussbaumer & Clark, Inc., was requested at the July 14, 2025 meeting to provide a proposal for technical work necessary for this project, including design, bidding, and construction services; and

WHEREAS, the requested proposal was submitted to the Town Board for consideration.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of August 2025, that the proposal submitted by Nussbaumer & Clarke, Inc. for work associated with the Park Recreation Area Improvement Project for $17,600.00 is accepted and approved. This resolution shall take effect immediately.

RESOLUTION 224-25
ADVERTISEMENT FOR RFP – TOWN HALL DRIVEWAY SEALING
Motion by Councilman Lombardo, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, that advertisement for Requests for Proposals for Town Hall Driveway Sealing is authorized as detailed in the attached Request for Proposals.

FURTHER, BE IT RESOLVED, that the Requests for Proposals will be made available on August 12, 2025 and all proposals are to be submitted to the Town Clerk by 3:00 pm local time on September 2, 2025, with the proposals publicly opened and read aloud at 3:05 pm. This resolution shall take effect immediately.

RESOLUTION 225-25
ADVERTISEMENT FOR RFP – TOWN HALL DRIVEWAY STRIPING
Motion by Councilman Lombardo, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, that advertisement for Requests for Proposals for Town Hall Driveway Striping is authorized as detailed in the attached Request for Proposals.

FURTHER, BE IT RESOLVED, that the Requests for Proposals will be made available on August 12, 2025 and all proposals are to be submitted to the Town Clerk by 3:00 pm local time on September 2, 2025, with the proposals publicly opened and read aloud at 3:05 pm. This resolution shall take effect immediately.

RESOLUTION 226-25
EXPENDITURE FOR TOTE PURCHASE
Motion by Councilman Hickman, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
WHEREAS, the Town of Pendleton currently has a contract with Modern Disposal Services for collection and disposal of refuse and recycling material; and

WHEREAS, the current contract between the Town of Modern Disposal Services mandates the usage of specific collection totes for refuse and recycling materials; and

WHEREAS, the current inventory of required totes is sufficiently low, necessitating acquisition of additional units to continue the refuse and recycling program for current and future user; and

WHEREAS, acquisition of these items may be acquired from a specific vendor through a Massachusetts State Contract that allows New York governments to "piggyback" with the published per unit cost, which varies for each item; and

WHEREAS, a quote for the requested order of totes has been provided to the Town Board for consideration.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of August 2025, that the quote from Rehrig Pacific Company for $8,218.75 is accepted and approved. This resolution shall take effect immediately.

RESOLUTION 227-25
EXPENDITURE FOR CULVERT PIPE – AIKEN ROAD
Motion by Councilman Hickman, seconded by Councilman Lombardo, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of August 2025, that the proposed expenditure of $9,572.00, as quoted through municipal bid by Niagara Precast, Inc., is approved. This resolution shall take effect immediately.

RESOLUTION 228-25
284 AGREEMENT
Motion by Councilman Hickman, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Lombardo
Nays 0
WHEREAS, pursuant to the provisions of Section 284 of the Highway Law, an agreement between the Town Board and the Highway Superintendent must be approved for the expenditure of monies for the repair and improvement of highways; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of August 2025, that the Agreement for Expenditure of Highway Moneys presented to the Town Board by Highway Superintendent David Fischer is accepted. This resolution shall take effect immediately.

PUBLIC REMARKS/COMMENTS

The first speaker expressed concern that the Town had started another capital project, approved in February of this year, without taxpayers being provided details such as costs, expenditures to date, or who is overseeing the work. She asked how the project will be tracked. She stated that while she appreciates the Town's proactive approach to Depeau Park, she was disappointed to learn that the Town does not actually own the park, suggesting that this may be misleading to the public. She also raised concerns about a potential conflict of interest with the Town Engineer also representing Nussbaumer & Clarke, Inc. In addition, she reiterated her concerns about the lack of clear procedures for public meetings, stating that the Supervisor selectively responds to residents, which she feels is unfair. She further questioned why the Board of Ethics meeting minutes have not been posted online; Town Clerk Maurer responded by providing instructions on where to locate them. Supervisor Maerten added that this portion of the meeting is designated for "public remarks and comments."

The next speaker voiced concern about the approval of $17,000 to Nussbaumer & Clarke, Inc. to oversee the Park Recreation Area Improvement Project, which includes revisions to Depeau Park. She also noted that the form being used for the 284 Agreement is not the current version.

She concluded her comments by expressing gratitude for the late Councilman Leible, recognizing his dedication to residents, his willingness to listen, and his care for the Town. She stated that he will be greatly missed and difficult to replace.

Another longtime resident shared personal memories of Councilman Leible, describing him as a unique individual who was always willing to help others. He also commented on the ongoing success of the Challenger League in Town and thanked resident Sara Siracuse for her continued support of the league. Lastly, speaking as a board member of the Pendleton Food Pantry, he reminded residents that this program is still active and available to those in need.

The final audience member commented on the Community Center construction, alleging that the Town selected a contractor who, according to documents he reviewed, was not properly bonded and was unsuitable for the project. He stated that this contributed to additional change orders, increased costs to taxpayers, and delays, noting several times that the Community Center is still not open.

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 Monday, August 25, 2025
- Town Board Regular Meeting: Scheduled for September 8, 2025, at 7:00 p.m.
- A Special Meeting may need to be scheduled prior to the September meeting.

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

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Deborah K. Maurer, Town Clerk