

TOWN OF PENDLETON
PUBLIC HEARING and WORK SESSION
December 22, 2025

A Work Session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 22nd day of December, 2025 at 7:00 p.m. The meeting was open to the public.

PUBLIC HEARING
A LOCAL LAW TO ESTABLISH STANDARDS AND PERMITTING REQUIREMENTS FOR
BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF PENDLETON

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 December 17, 2025 and on the Town's website.

The purpose of the hearing was to consider the adoption of a proposed Local Law entitled "A Local Law to Establish Standards and Permitting Requirements for Battery Energy Storage Systems in the Town of Pendleton" which will amend the Town Code to add new provisions regulating the siting, design, construction, operation, and decommissioning of battery energy storage systems within the Town.

A copy of the proposed Local Law was made available for public review at the Pendleton Town Hall during normal business hours and on the Town of Pendleton website at www.pendletonny.gov. All interested persons were given an opportunity to be heard at the time and place of the hearing.

Supervisor Maerten opened the floor to public comments.

Sara Siracuse of Monroe Street commented that the draft of the proposed local law used the terms "local law" and "ordinance" interchangeably throughout the document and requested clarification on the difference between the two. Supervisor Maerten asked Town Attorney Charles Malcomb, who prepared the draft, to explain the distinction. Following his explanation, Attorney Malcomb stated that he would review the document and revise the wording if necessary.

Mrs. Siracuse also noted that the document referenced both the 2020 and 2023 editions of NFPA 855, which differ, and indicated that this may require correction. Additionally, she commented on the references to Special Use Permits in Section H, the absence of a reference to Town Code Section 247-16, and the inclusion of a reference to a "24 permit," which does not currently exist in the Town Code.

Next, Alex Riled of Nexamp, a community solar provider operating in the area, spoke in support of the proposed amendment to the Town Code.

Supervisor Maerten explained that a resolution would be considered later in the meeting to extend the moratorium on Battery Energy Storage Facilities established by Local Law No. 2 of 2025 for an additional three (3) months, pending further comments and feedback from Attorney Malcomb.

There were no further comments from the public.

Motion made by Councilman Buechler, seconded by Councilman Hickman, to close the Public Hearing at 7:08 p.m. Motion carried.

WORK SESSION

Supervisor Maerten called the meeting to order at 7:08 p.m.

Supervisor Maerten, Councilman Buechler, Councilman Lombardo, Councilman Hickman and Councilman Rumbold were present.

Also present:

Deborah Maurer – Town Clerk
Lucas Frew – Deputy Highway Superintendent
Claude Joerg – Town Attorney
Dave Britton – Town Engineer
Tom Matuski – Budget Officer

There were eight residents in attendance.

RESOLUTION 323-25

ABSTRACT #24

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of December 2025, to authorize payment of Voucher Abstract #24, Vouchers #25-01301 to #25-01359, to be paid on December 24, 2025 as follows:

General Fund	\$	21,337.84
Highway	\$	24,463.66
Capital Funds	\$	1,056.00
Refuse	\$	51,850.47
Sewer	\$	15,773.94
Water	\$	13,189.36
Total	\$	127,671.27

RESOLUTION 324-25

AUTHORIZATION OF SEWER EXPENDITURE

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

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

WHEREAS, the Town of Pendleton Water & Sewer Department has standardized the use of pump equipment manufactured by Equipment One Corporation (E/One); and

WHEREAS, Siewert Equipment has been designated by resolution of the Town Board as the sole source supplier for E/One equipment, parts, and components; and

WHEREAS, a request for an expenditure for repair of sewer equipment has been presented to the Town Board for consideration by the Water & Sewer Superintendent.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of December 2025, that the proposed expenditure of \$9,808.20 for sewer equipment components, as quoted by Siewert Equipment, is approved. This resolution shall take effect immediately.

RESOLUTION 325-25

APPROVAL OF CONTRACT – SNOW & ICE

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of December 2025, that the contract between the Town of Pendleton and Niagara County titled, “Snow and Ice Contract”, as presented, is approved.

FURTHER, BE IT RESOLVED, that the Supervisor is authorized to sign and execute this contract under the conditions stipulated therein. This resolution shall take effect immediately.

RESOLUTION 326-25

AUTHORIZATION OF EXPENSES RELATED TO TRAINING

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of December 2025, that Councilman Dylan Rumbold and Councilmen-Elect Timothy Lukasik and David Kantor are authorized to attend newly elected officials training and shall be compensated for appropriate expenses related to travel, lodging, registration, and meals corresponding to the date and location of travel. This resolution shall take effect immediately.

RESOLUTION 327-25

APPROVAL OF CONTRACT – NC IT

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Lombardo, Rumbold

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of December 2025, that the contract between Niagara County and the Town, as presented, is approved.

FURTHER, BE IT RESOLVED, that the Supervisor is authorized to sign the approved contract. This resolution shall take effect immediately.

RESOLUTION 328-25

ACCEPTANCE OF BID – COMM CENTER SPRINKLER INSPECTION

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Lombardo, Rumbold

Nays 0

WHEREAS, the Town Board of the Town of Pendleton did authorize by resolution on November 10, 2025 the advertisement of Invitation to Bid - Community Center Sprinkler Inspection; 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 22nd day of December 2025, that the bid submitted by Allstate Fire & Security for \$2,100.00 is accepted. This resolution shall take effect immediately.

RESOLUTION 329-25

ACCEPTANCE OF PROPOSAL – DRESCHER & MALECKI

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Lombardo, Rumbold

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of December 2025, that the proposal for professional services received from Drescher & Malecki is accepted as presented. This resolution shall take effect immediately.

RESOLUTION 330-25

AUTHORIZATION TO ADVERTISE FOR BIDS – TOWN COURTS PROJECT

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Lombardo, Rumbold

Nays 0

WHEREAS, the Town Board of the Town of Pendleton did authorize by resolution the Park Recreation Area Improvement Project on February 10, 2025 as a Capital Project; and

WHEREAS, the Town Board accepted and approved a proposal from Nussbaumer & Clarke, Inc. for technical assistance related to design, bidding, and construction services for the Park Recreation Area Improvement Project by resolution on August 11, 2025; and

WHEREAS, proposed project designs were presented to the Town Board for review and feedback; and

WHEREAS, project specifications and technical drawings advertisement of bidding of the Park Recreation Area Improvement Project were presented to the Town Board by Nussbaumer & Clarke, reflecting feedback; and

WHEREAS, it is recommended that the final design be advertised for bidding.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of December 2025, advertisement of bid documents for the Park Recreation Area Improvement Project, as presented to the Town Board, is authorized.

FURTHER, BE IT RESOLVED, that the Town Clerk is authorized to make available and advertise bid documents for the Park Recreation Area Improvement Project on or after December 26, 2025 and all bids are to be submitted to the Town Clerk by 3:00 p.m. local time on January 21, 2026 with bids publicly opened and read aloud at 3:05 p.m. This resolution shall take effect immediately.

RESOLUTION 331-25

ESTABLISHMENT OF DECEMBER 2025 TOWN HOLIDAY HOURS

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Lombardo, Rumbold

Nays 0

WHEREAS, Christmas Day, December 25, 2025, falls on a Thursday; and

WHEREAS, by Executive Order of the President of the United States, December 24 and December 26, 2025, have been declared Federal holidays, during which all Federal offices are closed; and

WHEREAS, many local government offices customarily adhere to holiday schedules established by the Federal government, as well as those observed by financial institutions and other organizations; and

WHEREAS, it is appropriate for the Town of Pendleton to follow this established precedent in 2025;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of December 2025, that all Town of Pendleton offices and operations shall be closed on December 24 and 26, 2025, in addition to the December 25, 2025 Christmas holiday. This resolution shall be effective immediately.

RESOLUTION 332-25

ESTABLISHMENT OF RATES OF COMPENSATION

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Lombardo, Rumbold

Nays 0

WHEREAS, the Town of Pendleton relies on the time, efforts, and dedication of many individuals through each individual's appointment to various boards, committees, and other positions; and

WHEREAS, the Town Board of the Town of Pendleton approved a budget for 2026 on November 10, 2025; and

WHEREAS, the approved 2026 budget includes appropriations for compensation of all individuals appointed to various boards, committees, and other positions.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of December 2025, that the following rates of compensation are established for 2026 as follows:

- A. Planning Board members shall be compensated at the rate of \$2,583.00 per member annually.
- B. Planning Board Chairman shall be compensated at the rate of \$5,602.00 annually.
- C. Planning Board Administrative Assistant shall be compensated at the rate of \$16,174.00 annually.
- D. Planning Board Recording Secretary shall be compensated at the rate of \$2,422.00 annually.
- E. Zoning Board of Appeals members shall be compensated at the rate of \$1,223.00 per member annually.
- F. Zoning Board of Appeals Chairman shall be compensated at the rate of \$1,627.00 annually.
- G. Zoning Board of Appeals Secretary shall be compensated at the rate of \$1,600.00 annually.
- H. Conservation Board members shall be compensated at the rate of \$50.00 per meeting per member.
- I. Board of Assessment Review members shall be compensated at the rate of \$509.00 per member annually.
- J. Board of Assessment Review Chairperson shall be compensated at the rate of \$355.00 annually in addition to the base rate of pay for Board members.
- K. 2nd Deputy Town Clerk shall be compensated at the rate of \$19.63 per hour.
- L. Supervisor's Secretary shall be compensated at the rate of \$21,923.00 annually.
- M. Justice's Clerks shall be compensated at the rate of \$23.03 per hour.

- N. Constables shall be compensated at the rate of \$30.00 per hour.
- O. Cleaner - Town Hall shall be compensated at the rate of \$19.00 per hour.
- P. Full-time Building Inspector & Code Enforcement Officer Troy Barnes shall be compensated at the rate of \$59,742.00 annually.
- Q. Stormwater Management Coordinator shall be compensated at the rate of \$2,956.00 annually.
- R. Part-time Personnel Records Clerk shall be compensated at the rate of \$2,446.00 per month.
- S. Full-time Public Works Clerical shall be compensated at the rate of \$23.06 per hour.
- T. Part-time Recreation Director shall be compensated at the rate of \$31,827.00 annually.

BE IT FURTHER RESOLVED, that this resolution shall be effective as of January 1, 2026.

RESOLUTION 333-25
APPROVAL OF 2025 BUDGET TRANSFERS

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 22nd day of December 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	A00-1110-450	Justice - Supplies	\$730.00	A00-1110-400	Justice - Contractual	\$730
2	A00-1355-100	Assessor Personnel Service	\$12,000.00	A00-1355-110	Assessor - Personnel Clerk	\$12,000
3	A00-1440-400	Engineer - Contractual	\$3,000.00	A00-1440-410	Engineering - Professional Fees	\$3,000
4	A00-1440-413	General Engineering	\$19,900.00	A00-1440-414	Engineering Development - West	\$2,500.00
				A00-1440-415	Engineering Development - East	\$2,500.00
				A00-1440-415	Engineering Development - South	\$2,500.00
				A00-1440-411	Engineering GIS	\$8,000.00
				A00-1420-400	Attorney - Contractual	\$4,400.00
5	A00-1460-400	Records Management	\$15	A00-1460-450	Records Supplies	\$15.00
6	A00-1620-200	Town Hall - Fixed Assets	\$14,971.00	A00-1990-400	Contingency	\$14,971.00
7	A00-1620-400	Town Hall - Contractual	\$1,150.00	A00-1624-450	AED Supply	\$900.00
				A00-1620-130	IT Coordinator	\$250.00
8	A00-1640-400	Central Garage - Contractual	\$1,596.00	A00-1660-400	Central Storage	\$1,596.00
9	A00-1710-401	IT Administration	\$7,136.00	A00-1710-400	IT Coordinator	\$7,136.00
10	A00-1989-450	Farmers Market Supply	\$47.00	A00-1989-410	Business Development Farmer Mkt	\$47.00
11	A00-7110-400	Parks - Contractual	\$2,597.00	A00-1720-101	Recreational Personnel Coordinator	\$2,597.00
12	A00-7120-100	Recreation Summer Personnel	\$2,341.00	A00-1720-101	Recreational Personnel Coordinator	\$2,341.00
13	A00-7130-400	Community Center - Contractual	\$18,357.00	A00-7130-450	Community Center Supply	\$6,000.00
				A00-7140-100	Playgrounds - Personnel	\$12,357.00
14	A00-7140-400	Playgrounds - Contractual	\$6,250.00	A00-7140-100	Paygrounds - Personnel	\$6,250.00
15	A00-8010-410	Zoning Board of Appeals	\$190.00	A00-8010-100	Zoning Board of Appeals - Personnel	\$190.00
16	A001220-400	Supervisor - Contractual	\$500.00	A00-1220-200	Supervisor - Fixed Assets	\$500.00
17	DA0-5110-451	Road and Drain Supply	\$126.00	DA0-5110-420	General Repair - Pro. Fees	\$126.00
18	DA0-5110-401	General Repair Blacktop	\$10,750.00	DA0-5110-400	Maintenance of Roads	\$10,750.00
19	DA0-9010-800	NYS Retirement	\$24,000.00	DA0-5110-400	Maintenance of Roads	\$24,000.00
20	DA0-9060-800	Hospital/Medical	\$7,000.00	DA0-5110-400	Maintenance of Roads	\$7,000.00
21	SS0-8110-450	Admin. Office Supply	\$867.00	SS0-8110-440	Admin. Equipment Rental	\$867.00
22	SS0-9010-800	NYS Retirement	\$8,000.00	SS0-8120-410	Sewage Supply	\$8,000.00
23	SW0-8310-410	Water office contractual	\$875.00	SW0-8310-430	Water Professional Fees	\$875.00
24	SW0-8340-100	Trans & Dist. Personnel	\$10,000.00	SW0-8310-100	Water Admin. - Personnel	\$10,000.00
25	SW0-8340-400	Directional Boring	\$4,500.00	SW0-8340-470	Trans. & Dist. - New Lines	\$4,500.00
26	SW0-9060-800	Hospital/Medical	\$9,000.00	SW0-8340-430	Trans. & Dist. Meters	\$9,000.00

This resolution shall take effect immediately.

RESOLUTION 334-25
EXTENSION OF MORATORIUM ON BATTERY ENERGY STORAGE FACILITIES

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

Nays 0

WHEREAS, on June 9, 2025, the Town Board of the Town of Pendleton (the “Town Board”) duly adopted Local Law No. 2 of 2025, entitled A Local Law Establishing a Six-Month Moratorium on Battery Energy Storage Facilities (the “Moratorium”), which imposed a moratorium for a period of one hundred eighty (180) days on the filing, acceptance, and processing of applications for the construction or operation of battery energy storage facilities within the Town; and

WHEREAS, the Moratorium was adopted pursuant to Municipal Home Rule Law § 10 for the purpose of preserving the status quo while the Town Board evaluates and considers amendments to the Town Code governing the siting, design, safety, and regulation of battery energy storage facilities; and

WHEREAS, the one hundred eighty (180) day moratorium period commenced on June 9, 2025, and expired on December 6, 2025; and

WHEREAS, Section 7 of Local Law No. 2 of 2025 expressly authorizes the Town Board, in its discretion, to extend the Moratorium for one (1) additional three (3) month period by resolution; and

WHEREAS, the Town Board finds that additional time is necessary to continue its review of regulatory approaches, safety standards, and best practices applicable to battery energy storage facilities, including consideration of potential amendments to the Town Code;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF PENDLETON THAT: The Moratorium on Battery Energy Storage Facilities established by Local Law No. 2 of 2025 is hereby extended for an additional three (3) month period, commencing upon adoption of this Resolution and expiring three (3) months thereafter unless sooner terminated by further action of the Town Board. All terms, conditions, and provisions of Local Law No. 2 of 2025 shall remain in full force and effect during the extension period. This Resolution shall take effect immediately.

BOARD DISCUSSION

There was no additional discussion.

PUBLIC REMARKS/COMMENTS

A resident commented on previously adopted Resolution No. 104-24 regarding the funding of the capital project for court improvements, stating that the resolution has not been updated to reflect expenses already incurred and that revenue has not been properly declared to account for how the bills have been paid.

A second resident stated that she agreed with the previous speaker and encouraged the Town Board to address the capital project promptly and ensure it is being properly executed.

No other public remarks or comments were made.

Motion by Councilman Hickman, seconded by Councilman Lombardo, to adjourn from the Work Session at 7:35 p.m. Motion carried.

Deborah K. Maurer, Town Clerk