PENDLETON TOWN BOARD
REGULAR MEETING
March 9, 2026

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 March 2026, at 7:00 p.m.

REGULAR MEETING

Supervisor Maerten rescheduled Public Hearing to 3/23/2026 @ 6:55pm.

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 Kantor	Present
Councilman Lukasik	Present
Councilman Rumbold	Present

Also present:

Noreen Lemma - Town Clerk
Claude Joerg - Town Attorney
David Britton - Town Engineer
Dave Fischer - Highway/Water & Sewer Superintendent
Troy Barnes - Building Inspector/Code Enforcement - Absent
Miranda Freiert - Assessor
Patrick Covell - Recreation Director

There were 22 residents in attendance, 5 of whom were Starpoint students.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

The following amendments were made to the agenda:

- Remove – #10 postponed
- Add – Executive Session to New Business
- Remove # 1 and leave section blank on Local Law 2026

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

Boy Scout Elliot Bobo spoke about a future Scout Project, adding 2 park benches around the Splash Pad. Discussing how they will be made and mentioning they will not be permanent. Mr. Fischer added, they will have an anchor solution.
No further comments were made by the public.

ROUTINE BUSINESS

RESOLUTION 75-26
MEETING MINUTES – FEBRUARY 9, 2026
Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9th day of March 2026, that the meeting minutes from the Regular Meeting on February 9, 2026, are hereby approved as presented by Town Clerk Lemma.

RESOLUTION 76-26
ABSTRACT #4
Motion by Councilman Lukasik, seconded by Councilman Rumbold, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9th day of March 2026, to authorize payment of Voucher Abstract #4, Vouchers #26-00151 to #26-00201, to be paid on February 25, 2026, as follows:

General Fund	$	19,199.99
Highway	$	28,632.82
Fire Dist.	$	469,113.87
Refuse	$	52,068.44
Sewer	$	32,147.28
Water	$	7,753.85
Total	$	608,916.25

RESOLUTION 77-26
ABSTRACT #5
Motion by Councilman Buechler, seconded by Councilman Rumbold, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9th day of March 2026, to authorize payment of Voucher Abstract #4, Vouchers #26-00202 to #26-00251, to be paid on March 11, 2026, as follows:

General Fund	$	425,279.63
Highway	$	51,191.37
Fire Dist.	$	14,682.13
Capital Fund	$	3,344.00
Sewer	$	2,052.36
Water	$	4,701.48
Total	$	501,250.97

OTHER REPORTS

Supervisor Maerten reported that the sales tax collected for January 2026 was $218,356.75 This is an increase of $12,790.39 when compared with January 2025. The year to date received is $218,356.75 which is an increase of $12,790.39 from 2025.

Councilman Buechler had nothing to report.

Councilman Lukasik He reported that he has been working hard on the 4th of July activities. The parade will start at the church, permits, and a DJ, Boy Scouts, and other vendors are coming along or are in place.

Councilman Kantor discussed the landscaping around the community center, and ball fields.

Councilman Rumbold reported he too is also working on securing the vendors for the 4th of July festivities. Thanked the Recreation Committee and councilman Lukasik for all their help. He also read an email regarding the website, and its ongoing issues and concerns. He replied by saying we are working diligently on a permanent solution.

Attorney Joerg had nothing to report.

Engineer Britton MS4 Stormwater management program, sent updated reports to the Town Clerk's office to put on the website for review. Town comprehension plan, scheduled meeting for April 21st to go over goals and a vision plan. Working on Town park improvements, courts. And a kick off meeting scheduled for 3/20/26 at 9am. Also, some action items being worked on with the Water & Highway departments.

DEPARTMENT HEADS

Town Clerk Lemma reported that monthly reports were received from the Assessor, Building Inspector/Code Enforcement Officer, and the Town Engineer. These reports, along with the monthly reports for the Tax collection, Town Clerk and Water/Sewer collection, were posted online with the agenda documents.

Highway and Water/Sewer Superintendent Fischer spoke about the snow being over, for now. And a shout out to Jeff Bruce our Park Attendant, joining the meeting.

Building Inspector Barnes was absent.

Assessor Freiert had nothing to report.

Recreation Director Covell discussed the upcoming start of the Farmer's Market in May, the annual flag sale, and the strong involvement of members from the Veterans, Seniors, and Historical Society as they prepare for the opening of the Community Center. Additionally, the Summer Recreation website is good to go for 4/1/26, and the Summer Recreation Director will be hiring soon.

NEW BUSINESS

RESOLUTION 78-26
AUTHORIZING APPROVING AGREEMENT (1 OF 2)
Motion by Councilman Rumbold, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 9th day of March 2026 that the agreement between the Town of Pendleton and the Lockport Library, as presented, is approved. This resolution is effective reflecting the terms of the agreement, stipulated as of January 1, 2026.

RESOLUTION 79-26
AUTHORIZING APPROVING AGREEMENT (2 OF 2)
Motion by Councilman Lukasik, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 9th day of March 2026 that the agreement between the Town of Pendleton and the North Tonawanda Library, as presented, is approved. This resolution is effective reflecting the terms of the agreement, stipulated as of January 1, 2026.

RESOLUTION 80-26
APPROVING PROCUREMENT POLICY
Motion by Councilman Rumbold, seconded by Councilman Lukasik, the following resolution was

ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 9th day of March 2026 that the Procurement Policy and Purchasing Worksheet, as presented, are approved. This resolution shall take effect immediately.

RESOLUTION 81-26

ISSUING A SEQRA NEGATIVE DECLARATION FOR THE ADOPTION OF A LOCAL LAW AMENDING THE TOWN CODE TO REGULATE BATTERY ENERGY STORAGE SYSTEM

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

ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

WHEREAS, the Town Board of the Town of Pendleton (the "Town Board") is considering the adoption of a local law entitled A Local Law to Amend the Town of Pendleton Code to Regulate Battery Energy Storage Systems (the "Local Law"), which amends Chapter 247, Article IX, of the Town of Pendleton Code to establish comprehensive zoning, permitting, safety, and operational standards applicable to battery energy storage systems within the Town; and

WHEREAS, the proposed Local Law constitutes a legislative action to amend the Town's zoning regulations and therefore is classified as a Type I action pursuant to the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law ("ECL") Article 8, and its implementing regulations at 6 NYCRR Part 617, see 6 NYCRR § 617.4(b)(2); and

WHEREAS, the Town Board has undertaken a coordinated environmental review of the proposed Local Law in accordance with SEQRA and has served as Lead Agency for such review; and

WHEREAS, in conducting its SEQRA review, the Town Board has reviewed and considered the Full Environmental Assessment Form ("EAF"), the text of the proposed Local Law, supporting legislative materials, public comments received, and all other information contained in the administrative record; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, including land use compatibility, community character, public safety, and potential impacts to natural resources, and has taken a hard look at those potential impacts as required under SEQRA; and

WHEREAS, the Town Board has determined that the proposed Local Law establishes regulatory controls intended to reduce potential environmental and public-safety risks associated with battery energy storage systems, including siting limitations, setback requirements, fire-safety standards, emergency-response planning, and decommissioning obligations, and does not, by itself, authorize or approve any specific development or construction activity; and

WHEREAS, based upon the record before it, the Town Board finds that the adoption of the proposed Local Law will not result in any significant adverse environmental impacts, either individually or cumulatively.

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 9th day of March 2026 that:

1. The Town Board hereby confirms its status as Lead Agency for the environmental review of the proposed Local Law pursuant to SEQRA and 6 NYCRR Part 617.

2. Based upon the Full Environmental Assessment Form, the legislative record, and all other information before it, the Town Board hereby determines that the adoption of A Local Law to Amend the Town of Pendleton Code to Regulate Battery Energy Storage Systems will not result in any significant adverse environmental impacts and therefore adopts and issues a Negative Declaration pursuant to 6 NYCRR § 617.7.

3. The Negative Declaration and the Full Environmental Assessment Form are hereby incorporated by reference and shall be filed, published, and circulated in accordance with the requirements of SEQRA and 6 NYCRR Part 617.

4. The Town Clerk, Town Attorney, and any other authorized Town official are hereby directed to take all actions necessary to give full force and effect to this Resolution.

5. This Resolution shall take effect immediately.

RESOLUTION 82-26
ADOPTING A LOCAL LAW TO AMEND THE TOWN OF PENDLETON CODE TO REGULATE BATTERY ENERGY STORAGE SYSTEMS
Motion by Councilman Lukasik, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

WHEREAS, the Town Board of the Town of Pendleton (the "Town Board") has proposed a local law entitled A Local Law to Amend the Town of Pendleton Code to Regulate Battery Energy Storage Systems (the "Local Law"), which amends Chapter 247, Article IX, of the Town of Pendleton Code to establish comprehensive zoning, permitting, siting, safety, and operational standards applicable to battery energy storage systems within the Town; and

WHEREAS, the purpose of the Local Law is to promote the health, safety, and general welfare of Town residents by ensuring that battery energy storage systems are located, constructed, and operated in a manner compatible with surrounding land uses, protective of environmental resources, and consistent with the Town's Comprehensive Plan; and

WHEREAS, the Town Board has complied with the requirements of the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, and the implementing regulations at 6 NYCRR Part 617, and has adopted a Negative Declaration determining that the adoption of the Local Law will not result in any significant adverse environmental impacts; and

WHEREAS, the Town Board has considered the text of the proposed Local Law, the SEQRA record, public comments received, and all other relevant legislative materials;

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 9th day of March 2026 that:

1. The Town Board hereby adopts A Local Law to Amend the Town of Pendleton Code to Regulate Battery Energy Storage Systems, in the form presented to the Town Board and on file with the Town Clerk.

2. The Town Clerk is hereby authorized and directed to file the adopted Local Law with the New York State Department of State in accordance with the Municipal Home Rule Law.

3. The Local Law shall take effect immediately upon filing with the Secretary of State, as provided therein.

4. The Town Attorney, Town Clerk, and any other appropriate Town official are authorized to take such actions as may be necessary to give full force and effect to this Resolution and the adopted Local Law.

RESOLUTION 83-26
AUTHORIZING THE CONSOLIDATION OF RESERVE FUNDS
Motion by Councilman Buechler, seconded by Councilman Lukasik, the following resolution was ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

WHEREAS, the Town of Pendleton, Niagara County, New York (the "Town") is seeking to combine and transfer the following reserve fund accounts:

Reserve	Account ID
Capital Fund - Bridges	DA200.4
Highway Reserve	DA200.1
Highway Equipment Reserve	DA200.2
Highway Compensation Reserve	DA200.8
Highway Roads - Pendale	DA200.3
Sewer Reserve	SS200.1
Sewer Equipment Reserve	SS200.3
Gravity Lines Reserve	SS200.2
Reserve for Sewer Remediation	SS200.4
Water Reserve	SW200.1

Reserve	Account ID
Water Equipment Reserve	SW200.2
Water Line Reserve Fund	SW200.4

WHEREAS, it is in the best interest of the Town to consolidate these reserve funds into fewer accounts for ease of management.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton, Niagara County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. Pursuant to Section 6-c(9) of the General Municipal Law, as amended, a transfer is hereby authorized for all funds from the Capital Fund – Bridges account (account ID No. DA200.4) to the Highway Reserve account (account ID No. DA200.1).

SECTION 2. Pursuant to Section 6-c(9) of the General Municipal Law, as amended, a transfer is hereby authorized for all funds from the Highway Compensation Reserve account (account ID No. DA200.8) to the Highway Reserve account (account ID No. DA200.1).

SECTION 3. Pursuant to Section 6-c(9) of the General Municipal Law, as amended, a transfer is hereby authorized for all funds from the Highway Roads – Pendale account (account ID No. DA200.3) to the Highway Reserve account (account ID No. DA200.1).

SECTION 4. Pursuant to Section 6-c(9) of the General Municipal Law, as amended, a transfer is hereby authorized for all funds from the Sewer Equipment Reserve account (account ID No. SS200.3) to the Sewer Reserve account (account ID No. SS200.1).

SECTION 5. Pursuant to Section 6-c(9) of the General Municipal Law, as amended, a transfer is hereby authorized for all funds from the Gravity Lines Reserve account (account ID No. SS200.2) to the Sewer Reserve account (account ID No. SS200.1).

SECTION 6. Pursuant to Section 6-c(9) of the General Municipal Law, as amended, a transfer is hereby authorized for all funds from the Reserve for Sewer Remediation account (account ID No. SS200.4) to the Sewer Reserve account (account ID No. SS200.1).

SECTION 7. Pursuant to Section 6-c(9) of the General Municipal Law, as amended, a transfer is hereby authorized for all funds from the Water Equipment Reserve account (account ID No. SW200.2) to the Water Reserve account (account ID No. SW200.1).

SECTION 8. Pursuant to Section 6-c(9) of the General Municipal Law, as amended, a transfer is hereby authorized for all funds from the Water Line Reserve account (account ID No. SW200.4) to the Water Reserve account (account ID No. SW200.1).

RESOLUTION 84-26
APPOINTMENT TO ASSESSOR'S INFORMATION CLERK POSITION
Motion by Councilman Buechler, seconded by Councilman Rumbold, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 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, multiple individuals were 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 March 2026 that Melanie Johnson 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 April 13, 2026.

FURTHER, BE IT RESOLVED, that health benefits will be made available on July 1, 2026 and the probationary period for this position shall be twelve (12) months. This resolution shall take effect immediately.

RESOLUTION 85-26
WITHDRAWING RESIGNATION FOR RETIREMENT (1 OF 2)
Motion by Councilman Buechler, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

WHEREAS, the Town Board of the Town of Pendleton did accept the notification of resignation for retirement purposed of a specific employee by resolution on October 13, 2025; and

WHEREAS, this specific employee has communicated the desire to withdraw this notification of retirement for purposes of retirement; and

WHEREAS, it is recommended that accepting this request be approved by the Town Board.

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 9th day of March 2026 that acceptance of resignation for purposes of retirement of Jeffrey Jarvis is rescinded. This resolution shall take effect immediately

RESOLUTION 86-26
WITHDRAWING RESIGNATION FOR RETIREMENT (2 OF 2)
Motion by Councilman Lukasik, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

WHEREAS, the Town Board of the Town of Pendleton did accept the notification of resignation for retirement purposed of a specific employee by resolution on October 13, 2025; and

WHEREAS, this specific employee has communicated the desire to withdraw this notification of retirement for purposes of retirement; and

WHEREAS, it is recommended that accepting this request be approved by the Town Board.

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 9th day of March 2026 that acceptance of resignation for purposes of retirement of Peter Bayer is rescinded. This resolution shall take effect immediately.

RESOLUTION 87-26
ESTABLISHING RATES OF COMPENSATION
Motion by Councilman Kantor, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 9th day of March 2026 that the following compensation rates are approved for multiple position titles for the 2026 Summer Recreation Program

Swimming Pool Director: $28.10 per hour.
Lifeguard (New Hire): $18.00 per hour.
Lifeguard (Returning Hire): $18.72 per hour.

Recreation Leader (New Hire): $17.50 per hour.
Recreation Leader (Returning Hire): $18.00 per hour.
Assistant Recreation Director (New Hire): $20.00 per hour.
Assistant Recreation Director (Returning Hire): $20.55 per hour.

This resolution shall take effect immediately.

RESOLUTION 88-26
APPROVING PROPOSAL FOR EAGLE SCOUT PROJECT
Motion by Councilman Buechler, seconded by Councilman Rumbold, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of March 2026 that the public service project proposed by Elliot Bobo, as a requirement of an Eagle Scout project, is approved. This resolution shall take effect immediately.

RESOLUTION 89-26
APPROVING COMPENSATION FOR FARMER'S MARKET
Motion by Councilman Rumbold, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 9th day of March 2026 that Christa Durshordwe is appointed to the position of Seasonal Clerk at a rate of compensation of $20.00 per hour.

FURTHER, BE IT RESOLVED, that total compensation for 2026 for this position shall not exceed $4,392. This resolution shall take effect immediately.

RESOLUTION 90-26
SCHEDULING PUBLIC HEARING
Motion by Councilman Lukasik, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Lukasik, Rumbold, Kantor
Nays 0
Absent 0

WHEREAS, the Planning Board of the Town of Pendleton has recommended to the Town Board the issuance of a Special Use Permit for a telecommunications tower project to be

located on property at 6699 East Canal Road (SBL 151.00-1-53.1) and communicated such recommendation in the meeting minutes of the Planning Board's January 20, 2026 meeting; and

WHEREAS, Town Code § 247-16C states, "Applications for a special use permit shall be reviewed by the Planning Board, which shall report its findings on the application to the Town Board."; and

WHEREAS, Town Code § 247-16C further states, "Hearing and decision. Following receipt of the Planning Board's report, the Town Board shall hold a public hearing on an application for a special use permit within 62 days of receiving the application, publicly noticed in a printed newspaper of general circulation in the Town at least five days prior to the hearing.

WHEREAS, a public hearing was scheduled by resolution accepted by the Town Board at the February 9, 2026 meeting; and

WHEREAS, the public hearing notice was not published with sufficient prior notice to the approved date; and

WHEREAS, it is necessary to schedule a new date for this public hearing within sixty-two (62) day as mandated in the Town Code.

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 9th day of March 2026 that a public hearing is scheduled on March 23, 2026 at 6:55 pm for a Special Use Permit for the proposed telecommunication tower project, which is located at 6699 East Canal Road. This resolution shall take effect immediately.

PUBLIC REMARKS/COMMENTS

A resident thanked Councilman Rumbold on answering questions regarding the website, and the Board for the updated the Procurement Policy. Also mentioning Closing reserves, and the privacy policy being revised.
Another resident brought up the 250th Anniversary and local ags & mkt info will be posted around Town.
Farmer's Market date was confirmed as May 16, 2026.

Supervisor Maerten has announced the following upcoming meetings:

- Town Board Work Session: March 23, 2026, at 7:00 p.m.
- Public Hearings: Scheduled for March 23, 2026, beginning at 6:55 p.m.

Next, a motion was made by Supervisor Maerten, to enter into an Executive Session with the Town Attorney, Deputy Town Supervisor, and the Town Engineer, to discuss litigation, at 7:55 p.m. Motion carried.
Motion by Councilman Buechler, seconded by Councilman Lukasik, to adjourn from the Executive Session at 9:03 p.m. Motion carried.

Motion by Councilman Buechler, seconded by Councilman Lukasik, to adjourn from the Regular Meeting at 9:03 p.m. Motion carried.

_____
Noreen E. Lemma, Town Clerk