PENDLETON TOWN BOARD
REGULAR MEETING
May 11, 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 11th day of May, 2026, at 7:00 p.m.

Supervisor Maerten called the meeting to order at 7:06 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
Troy Barnes - Building Inspector/Code Enforcement Officer
Dave Fischer - Highway/Water & Sewer Superintendent
Patrick Covell - Recreation Director

There were 27 residents in attendance, 15 of whom were Starpoint students.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

No changes were made to the agenda.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

Four representatives from Forbes Capretto were present and provided the Town Board with a brief presentation outlining the benefits of a proposed clustered subdivision on Beach Ridge Road. There was discussion regarding more information and visuals from the Town Board.

There were no additional comments from the public.

ROUTINE BUSINESS

RESOLUTION 118-26
MEETING MINUTES – APRIL 13, 2026
Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of May 2026, that the meeting minutes from the Regular Meeting, held on April 13, 2026, are hereby approved as presented by Town Clerk Lemma.

RESOLUTION 119-26
ABSTRACT #8
Motion by Councilman Lukasik, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 11th day of May 2026, to authorize payment of Voucher Abstract #8, Vouchers #26-00389 to #26-00446, which was paid on April 29, 2026, as follows:

General Fund	$	87,661.07
Highway	$	9,685.05
Capital Fund	$	2,640.00
Refuse	$	54,587.03
Sewer	$	10,997.56
Water	$	70,589.14
Total	$	236,159.85

OTHER REPORTS

Supervisor Maerten reported that the tax collected for March 2026 was $240,900.54. This is an increase of $22,356.60 when compared with March 2025. The year to date received is $648,557.61 which an increase of $31,454.42 from 2025.

Councilman Buechler reported that he met at the Fire Hall, and was working on the LOSAP audit.

Councilman Kantor is working on donations for the 4th of July.

Councilman Lukasik reported that the new AED machines are ready to be installed at the splash pad, and he and Councilman Rumbold have been working on repairs at Town Hall. He also stated they are still looking for floats for the 4th of July parade.

Councilman Rumbold reported that the website contract is in its final stages. He also stated that he has to been working on repairs at Town Hall, including the furnace and electrical systems. Additionally, Mr. Rumbold addressed the ATV issues, noting that more residents who support permitted ATV use, should come forward to share their comments and concerns.

Attorney Joerg had nothing to report.

Engineer Britton reported that the courts are a little delayed, due to the weather, may be closer to mid-June. Also, ongoing talks with Regency Estates.

DEPARTMENT HEADS

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

Highway and Water/Sewer Superintendent Fischer – Talked about the conduit going in for the bathrooms.

Building Inspector Barnes reported that it's Building permit time, and to make sure you come in and get your permits.

Recreation Director Covell reported that registration for the Summer Recreation Program has been completed. He also spoke about the "soft opening" of the Community Center and acknowledged everyone involved in the effort.

NEW BUSINESS

RESOLUTION 120-26
APPROVING FACILITIES USAGE AGREEMENT
Motion by Councilman Rumbold, seconded by Councilman Buechler, the following resolution was

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

WHEREAS, the Town Board of the Town of Pendleton adopted a standard Facilities Usage Agreement which specifies liability insurance limits for proposed usage of Town-owned facilities; and

WHEREAS, a resolution was adopted by the Town Board on March 10, 2025 which states: "Insurance requirements stipulated for each use may be modified, in consultation with the Town Attorney and the Town's insurance agent, based upon the proposed usage detailed in the submitted facilities usage agreement. Such requests require Town Board approval by resolution."; and

WHEREAS, a Facilities Usage Agreement was submitted for consideration with insurance documentation which requires Town Board approval due to a need to accept a modification of liability limits; and

WHEREAS, it is recommended that the Town Board approve this specific Facilities Usage Agreement as presented.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of May 2026 that the Facilities Usage Agreement submitted by Challenger League Corp., is approved.
This resolution shall take effect immediately.

RESOLUTION 121-26
APPROVING FEE WAIVER FOR FACILITIES USAGE
Motion by Councilman Lukasik, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0
NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of May that all fees associated with facilities usage by Starpoint Central School District for the 2026 calendar year are waived.
This resolution shall take effect immediately.

RESOLUTION 122-26
SCHEDULING A PUBLIC HEARING FOR PROPOSED LOCAL LAW
Motion by Councilman Rumbold, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0

WHEREAS, the Town of Pendleton hereby proposes a Local Law, pursuant to the New York Municipal Home Rule Law, the New York State Town Law, to repeal and amend the Pendleton Town Code, Sections 191-6, 191-7 and 191-8 relative to the use of "All-Terrain Vehicles", "ATV" (i.e., any self-propelled vehicles which are manufactured for sale for operation primarily on off highway trails or off-highway competitions and only incidentally operated on public highways), motorcycles, cars, jeeps, trucks or any other motorized vehicles on those properties of the Town of Pendleton in the Town of Pendleton; and

WHEREAS, the Town of Pendleton owns and maintains properties located in multiple locations of the Town; and

WHEREAS, the Town of Pendleton owns and maintains a multiple use trail that traverses the Town from Townline Road to Lockport Road, crossing Killian Road, Meyer Road, Campbell Boulevard, Feigle Road, and Mapleton Road (the "Limited Multiple Use Trail"); and

WHEREAS, historically this Limited Multiple Use Trail has been open to use for activities that include, but are not limited to, walking, bicycling, horseback riding, and operation of all-terrain vehicles (ATV) and snowmobiles, and

WHEREAS, increased use of the Town's Limited Multiple Use Trail has led to increased safety concerns; and

WHEREAS, in response to such safety concerns, on April 26, 2021, the Town Board of the Town of Pendleton adopted a Local Law which restricted the use of All-Terrain Vehicles on the public lands, owned by the Town of Pendleton; such provisions were adopted by the Town Board in the 2023 revisions to the Pendleton Town Code at Article III. All-Terrain Vehicles, Sections 191-6 through section 191-8; and

WHEREAS, despite such 2021 restrictions on the use of All-Terrain vehicles on the public lands in the Town of Pendleton, the safety concerns have increased in scope and magnitude, and as a result thereof, it has been determined by the Town Board of the Town of Pendleton that the increased activity of motorized vehicles on the Town-owned and maintained Limited Multiple Use Trail is of foremost importance to be addressed.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of May, 2026, hereby schedules a Public Hearing for the 8th day of June, 2026 at 6:55 pm for the repeal and amendment of Sections 191-6, 191-7, and 191-8 of the Town Code and the adoption of this Local Law to be included in such Code concerning the operation of "All-Terrain Vehicles" or "ATV" as more fully set forth in the provisions of New York Vehicle and Traffic Law § 2286, motorcycles, cars, jeeps, trucks or any other motorized vehicles on those properties of the Town of Pendleton or on any and all properties owned by the Town of Pendleton,

AND BE IT FURTHER RESOLVED, that such Public Hearing shall include, but not be limited to, the repeal of Section 191-6 of the Town Code of the Town of Pendleton in all respects, and the adoption of the following provision to replace the Section 191-6 which has been

repealed; Section 191-6 of the Town Code of the Town of Pendleton shall hereinafter provide as follows:

Section 191-6 Use of All-Terrain Vehicles, or any other motorized vehicles on Town Property.

> Pursuant to N.Y. Veh. & Traf. Law § 2403 (2) the operation of "All-Terrain Vehicle", "ATV" (i.e. any self-propelled vehicles which are manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways), motorcycles, cars, jeeps, trucks or any other motorized vehicles on those properties of the Town of Pendleton are **prohibited** on any and all Town of Pendleton properties [except for those entrances and parking areas which have been specifically created for use by licensed motor vehicles]. This prohibition shall not include and/or prohibit the use of a "snowmobile" or other self-propelled vehicle manufactured for off highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats which utilize an endless belt tread on any and all Town of Pendleton properties during those periods when the snowmobile trails in the Town of Pendleton are designated as "open," such use shall not commence prior to the end date of the big game hunting season preceding the opening of the trails,

AND BE IT FURTHER RESOLVED, that Section 191-7 of the Town Code of the Town of Pendleton shall further be amended to include a sub-section [b], Section 191-7 of the Pendleton Town Code shall hereinafter provide as follows:

Section 191-7 Penalties for Offenses:

A. The initial violation of this ordinance shall be punishable by a minimum fine of not less than $100.00 and a maximum fine not to exceed $500.00.

B. Any and all subsequent violations of this Local Law shall be punished by a fine of not less than $1000.00.

AND BE IT FURTHER RESOLVED, that Section 191-8 of the Town Code of the Town of Pendleton is hereby amended and hereinafter provide as follows:

Section 191-8:

> This Local Law as revised at section 191-6 and amended at Section 191-7 shall take effect immediately upon its filing with the Secretary of State.

RESOLUTION 123-26
APPOINTING SEASONAL PARK ATTENDANT
Motion by Councilman Rumbold, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of May that Jeffrey Bruce is appointed Park Attendant, a seasonal (3) three-month position, at a rate of compensation of $19.75 per hour.
This resolution shall take effect immediately.

RESOLUTION 124-26
AUTHORIZING EXPENDITURE FOR TRUCK BODY
Motion by Councilman Kantor, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0

WHEREAS, the Town Board of the Town of Pendleton approved an expenditure for a truck chassis for the Water & Sewer Department; and

WHEREAS, the new truck chassis has been delivered and acquisition of a service body for this truck is necessary prior to the tuck being placed in service; and

WHEREAS, multiple quotes were obtained for this expenditure; and

WHEREAS, the information received is detailed as follows:
Valley Fab and Equipment, Inc. $24,225.00
Viking Cives (USA): $29,340.00
Unicell: Declined to quote.
Niagara Truck Equipment: Declined to quote.
Kaminski & Sons Truck Equipment: Declined to quote.
Boondocker Equipment Inc.: Declined to quote.

WHEREAS, the Highway Superintendent has requested authorization to purchase the truck body from the lowest quoting vender.
NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of May 2026 that the expenditure for a truck body, as quoted by Valley Fab and Equipment for $24,225.00, is approved.
This resolution shall be effective immediately.

RESOLUTION 125-26
APPOINTING INDIVIDUAL TO ZONING BOARD OF APPEALS
Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of May 2026 that Chelsea Liddle is appointed to the Zoning Board of Appeals for the balance of the term which expires on December 31, 2030.
This resolution shall be effective immediately.

RESOLUTION 126-26
APPOINTING INDIVIDUAL TO BOARD OF ETHICS
Motion by Councilman Kantor, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0
NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 11th day of May 2026 that Sean Martin is appointed to the Board.
This resolution shall be effective immediately.

RESOLUTION 127-26
APPROVING CHANGE ORDER
Motion by Councilman Lukasik, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 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, the Town Board did authorize by resolution on December 22, 2025 the advertisement of bid documents for this project; and

WHEREAS, multiple bids were received, reviewed, and presented to the Town Board for consideration; and

WHEREAS, the bid submitted by American Paving & Excavating was accepted and approved by resolution at the February 9, 2026 meeting of the Town Board; and

WHEREAS, a proposed Change Order was submitted by American Paving & Excavating for additional work at Depeau Park; and

WHEREAS, the proposed Change Order was reviewed by the Town Board and it is recommended to approved option "Price #1".

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 11th day of May 2026 that the Change Order submitted by American Paving & Excavating in the amount of $52,848.00 is accepted and approved.

FURTHER, BE IT RESOLVED, that the Supervisor is authorized to sign the proposed Change Order as approved by the Town Board.
This resolution shall take effect immediately.

RESOLUTION 128-26
ACCEPTING RESIGNATION FOR PURPOSES OF RETIREMENT
Motion by Councilman Lukasik, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0
WHEREAS, the Town Board of the Town of Pendleton did accept the notification from Peter Bayer of resignation for purpose of retirement by resolution on August 11, 2025; and

WHEREAS, the intent to withdraw the notification of resignation for purposes of retirement was communicated to the Town Board and rescinded by resolution on March 9, 2026; and

WHEREAS, a new letter notifying the Town of a desire to resign for purposes of retirement was received from Peter Bayer with an updated date.

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 11th day of May 2026 that the official notification from Peter Bayer of resignation for purposes of retirement, effective June 15, 2026, is accepted and approved.
This resolution shall take effect immediately.

PUBLIC REMARKS/COMMENTS

A resident thanked the Town Board for its continued support of the Challenger League and also expressed appreciation for the work being done on the roller hockey courts. She further commented on the ATV trails and the extra traffic at Depeau Park.

Another resident addressed concerns regarding the DOT road configuration near the intersection of Robinson Road and Transit Road.

Two additional residents spoke about the ATV trails and expressed a desire for increased enforcement.

Another resident also discussed ATV-related complaints and previous local laws, stating that she would appreciate feedback regarding her requests.

No further public remarks or comments were made.

Supervisor Maerten has announced the following upcoming meetings:

- Tentative Town Board Work Session: Tuesday, May 26, 2026.
- Public Hearings: Scheduled for Monday, June 8, 2026, beginning at 6:55 p.m.
- Town Board Regular Meeting: Scheduled for Monday, June 8, 2026, at 7:00 p.m.

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

_____

Noreen E. Lemma, Town Clerk