PENDLETON TOWN BOARD
REGULAR MEETING
July 13, 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 13th day of July, 2026, 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.

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 22 residents in attendance.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

Resolution scheduling Public Hearing for rezoning 1 of 2.
Resolution for approving property rezoning was removed.
Resolution authorizing modifications of Ambulance service billing rates was added.
Resolution rescheduling Public Hearing for rezoning was added 2 of 2.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident gave a presentation regarding the ATV trails and advocated for keeping them open to Town residents. The presentation included examples from other counties and municipalities and addressed topics such as liability, safety, and enforcement.

Another resident also expressed support for increased enforcement and discussed potential options for maintaining public access to the trails while addressing community concerns.

ROUTINE BUSINESS

RESOLUTION 147-26
MEETING MINUTES – JUNE 8, 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 13th day of July 2026, that the meeting minutes from the Regular Meeting, held on June 8, 2026, are hereby approved as presented by Town Clerk Lemma.

RESOLUTION 148-26
MEETING MINUTES – JUNE 15, 2026
Motion by Councilman Lukasik, seconded by Councilman Rumbold, 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 13th day of July 2026, that the meeting minutes from the Regular Meeting, held on June 15, 2026, are hereby approved as presented by Town Clerk Lemma.

RESOLUTION 149-26
ABSTRACT #11
Motion by Councilman Kantor, 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 13th day of July 2026, to authorize payment of Voucher Abstract #11, Vouchers #26-00548 to #26-00597, which was paid on June 10, 2026, as follows:

General Fund	$	118,446.96
Highway	$	57,405.50
Sewer	$	3,745.88
Water	$	2,958.44
Total	$	182,556.78

RESOLUTION 150-26
ABSTRACT #12
Motion by Councilman Rumbold, seconded by Councilman Lukasik, 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 13th day of July 2026, to authorize payment of Voucher Abstract #12, Vouchers #26-00598 to #26-00652, which was paid on June 24, 2026, as follows:

General Fund		$	29,298.44
Highway		$	10,442.13
Capital Fund		$	2,211.00
Refuse		$	55,311.18
Sewer		$	1,059.97
Water		$	4,821.48
	Total	$	115,795.93

OTHER REPORTS

Supervisor Maerten reported that the tax collected for May 2026 was $214,484.66. This is an increase of $25,792.17 when compared with May 2025. The year to date received is $1,076,970.40 which an increase of $68,777.67 from 2025.

Supervisor Maerten thanked Councilman Lukasik and all people involved in making the 4th of July a huge success.

Councilman Buechler thanked all involved with the 4th of July festivities, and said the parade was really nice, and he loved having a part in it.

Councilman Kantor thanked all involved with the 4th of July and had a great time.

Councilman Lukasik reported that the HVAC system at Town Hall has been fully repaired. He also thanked the Recreation Committee, Boy Scouts, Fire Department, National Guard, and all others who participated in and contributed to making Pendleton's celebration of the 250th Anniversary of America a tremendous success.

Councilman Rumbold also thanked all involved with the 4th of July, happy to be a part of it.

Attorney Joerg had nothing to report.

Engineer Britton had nothing to report.

DEPARTMENT HEADS

Town Clerk Lemma thanked the Council for a wonderful 4th of July celebration. Also, 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 pickleball courts and how he took a picture of a couple playing. Also, that the hockey rink is up and running.

Building Inspector Barnes had nothing to report

Recreation Director Covell took a moment to acknowledge the recent passing of a third-grade teacher from the Starpoint Central School District. He noted that grief counselors were available at the Summer Recreation program to provide support and counseling for any children or staff who needed assistance during this difficult time.

NEW BUSINESS

RESOLUTION 151-26
SCHEDULING PUBLIC HEARING FOR REZONING REQUEST
Motion by Councilman Rumbold, seconded by Councilman Lukasik, the following resolution was

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

WHEREAS, property located at 7205 Killian Road (SBL 164.00-3-23.1) is currently zoned Residential (R-2) and Light Industrial; and

WHEREAS, an Application for Rezoning of Property has been submitted by the current owner requesting the property be rezoned to Residential (R-2) in its entirety for the stated purpose of residential development; and

WHEREAS, the Planning Board, at the May 19, 2026 meeting, was briefed on the project which includes an approximately (100) home development; and

WHEREAS, the Planning Board voted five (5) to two (2) on in support of the proposed rezoning and recorded the recommendation in the minutes of the May 19, 2026 meeting; and

WHEREAS, the meeting minutes of the May 19, 2026 meeting include the following issues of concern related to the proposed rezoning:

A. The entire lot is in a flood plain.
B. The lot is in an Agricultural District.
C. NYSEG easement runs through the property.
D. The Town has limited Light Industrial zoned lots.

WHEREAS, the appropriate State Environmental Quality Review (SEQR) documents have been submitted for this proposed project; and

WHEREAS, the Town Board is obligated to consider this request for rezoning.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13th day of July 2026 that a public hearing is scheduled for August 10, 2026 at 6:55 pm for the requested rezoning of 7205 Killian Road (SBL 164.00-3-23.1) from a mixed zoning of Residential (R-2) and Light Industrial to Residential (R-2) in its entirety.
This resolution shall take effect immediately.

RESOLUTION 152-26
ACCEPTING PROPOSAL
Motion by Councilman Buechler, seconded by Councilman Rumbold, 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 approve a resolution at the June 8, 2026 meeting authorizing the advertisement of a Request for Proposals for Legal Services for Administration and Defense of Freedom of Information Law (FOIL) Requests; and

WHEREAS, the Request for Proposals was published by the Town Clerk; and

WHEREAS, all responses to the Request for Proposals were reviewed; and

WHEREAS, it is recommended to the Town Board to approve a specific proposal.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13th day of July 2026 that the submissions received in response to the approved and advertised Requests for Proposals for Legal Services for Administration and Defense of Freedom of Information Law (FOIL) submitted by John S. Sansone is accepted and approved.
This resolution shall take effect immediately.

RESOLUTION 153-26
AUTHORIZING SEWER EXPENDITURE

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

ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 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 sewer equipment parts 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 13th day of July 2026 that the proposed expenditure of $18,554.70 for sewer equipment components, as quoted by Siewert Equipment, is approved.
This resolution shall take effect immediately.

RESOLUTION 154-26
AUTHORIZING SUBMITTAL OF GRANT APPLICATION
Motion by Councilman Rumbold, seconded by Councilman Lukasik, the following resolution was

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

WHEREAS, the Town of Pendleton, after thorough consideration of the various aspects of the problem and review of available data, has hereby determined that certain work, as described in the July 2026 Campbell Boulevard Water Main map, plan and report, to address the repair and maintenance of the Campbell Boulevard Water Main Replacement, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project and address said compliance requirements; and

WHEREAS, the NYS Environmental Facilities Corporation (EFC) authorizes State assistance to municipalities for drinking water quality improvement projects by means of a contract, and the Town of Pendleton deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT RESOLVED BY the Pendleton Town Board, that:

Supervisor Joel Maerten, or his representative or successor in office, is the representative authorized to act on behalf of the Pendleton Town Board in all matters related to State assistance under the New York State Environmental Facilities Corporation (EFC) and/or any applicable State grant provisions.

The Supervisor, or his representative, is authorized to make an application for the total project cost in the amount of $2,281,500 of which the Town is requesting 70% of the total project cost in grant funding ($1,597,050);
The Pendleton Town Board hereby authorizes matching funds to fund to cover the Town's portion of the cost of the Project, not to exceed 40% of the total project cost ($684,450);

The Pendleton Town Board agrees to fund its portion of the cost of the Project by way of a General Obligation Bond or a series of Bond Anticipation Notes, and that funds will be made available to initiate the Project efforts within 12 months of written approval of its application by the NYS Department of Health and the New York State Environmental Facilities Corporation authority;

The one certified copy of this Resolution be prepared and submitted with the electronic WIIA grant application to the NYS Environmental Facilities Corporation; and

This Resolution takes effect immediately.

CERTIFICATION OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the Pendleton Town Board duly held on the 13th day of July, 2026; and further, that such Resolution has been fully recorded in the minutes of the Pendleton Town Board in my office.

In Witness thereof, I have hereunto set my hand this 13th day of July, 2026

Signature of Recording Officer_____

Title of Recording Officer_____

RESOLUTION 155-26
AUTHORIZING APPOINTMENT TO POSITION
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 13th day of July 2026 that Veda Jauch is appointed to the position of Recreation Leader. This resolution shall take effect as of July 6, 2026.

RESOLUTION 156-26
APPROVING FACILITIES USAGE AGREEMENT

Motion by Councilman Rumbold, 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 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:

A) All facilities usage agreements meeting the approved requirements for insurance coverage and that are complete in all areas may be approved by the Recreation Director and Supervisor in concurrence.
B) 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.

WHEREAS, a Facilities Usage Agreement was submitted for consideration by a representative of the Forever Buffalo, Inc. (FBI) for a specific date; and

WHEREAS, approval of this specific Facilities Usage Agreement is an exception to the requirements necessitating Town Board approval; 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 13th day of July 2026 that the Facilities Usage Agreement submitted for the Forever Buffalo, Inc. is approved.
This resolution shall take effect immediately.

RESOLUTION 157-26
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 as presented.

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 13th day of July 2026 that the Change Order submitted by American Paving & Excavating is approved as follows:

1) Lower fabric replacement in the amount of $5,148.00.

2) Upper fabric replacement in the amount of $5,676.00.

This resolution shall take effect immediately.

RESOLUTION 158-26
AUTHORIZING MODIFICATION OF AMBULANCE SERVICE BILLING RATES
Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was

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

WHEREAS, General Municipal Law§ 209-b permits the Wendelville Fire Company, Inc. to bill users of ambulance services for ambulance transportation; and

WHEREAS, the Town Board of the Town of Pendleton did authorize the Wendelville Fire Company, Inc. to commence billing for ambulance service by resolution on October 23, 3023; and

WHEREAS, Wendelville Fire Company, Inc. has requested approval to modify billing rates for ambulance service.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13th day of July 2026 that the Wendelville Fire Company, Inc. is authorized to place into effect the following ambulance service billing rates:

Basic Life Support (BLS):	$1,600.00
Advanced Life Support (ALS):	$2,300.00
Advanced Life Support 2 (ALS 2)	$2,700.00
Mileage:	$48.00 per mile
Treat and Release:	$500.00

This resolution shall take effect immediately.

RESOLUTION 159-26
SCHEDULING PUBLIC HEARING FOR REZONING REQUEST
Motion by Councilman Rumbold, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
Absent 0

WHEREAS, property located at 6060 Dunnigan Road (SBL 151.00-2-27.2) is currently zoned Light Industrial (LI), Residential (R-2), and Medium Commercial (CO-2); and

WHEREAS, an Application for Rezoning of Property has been submitted by the current owner or owner's representative requesting the property be rezoned based on a planned property subdivision into multiple; and

WHEREAS, the Planning Board, at the May 19, 2026 meeting, voted to issue a SEQR Negative Declaration upon review of the Short Environmental Assessment Form; and

WHEREAS, a public hearing was held at the May 19, 2026 meeting of the Planning Board and the project was outlined by the project engineer, members present voted unanimously to recommend approval of the proposed rezoning to the Town Board; and

WHEREAS, a public hearing was scheduled and advertised for this rezoning proposal.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13th day of July 2026 that the public hearing scheduled for August 10, 2026 at 6:50pm for the requested rezoning of 6060 Dunnigan Road (SBL 151.00-2-27.2).

1) The western proposed parcel subdivision of approximately 9.505 acres, which is currently zoned Light Industrial (LI) and Residential (R-2) shall be zoned Light Industrial (Ll) in its entirety.

2) The eastern proposed parcel subdivision of approximately 22.638 acres, which is currently zoned Light Industrial (LI), Medium Commercial, and Residential (R-2), shall be zoned Medium Commercial in its entirety.

This resolution shall take effect immediately.

PUBLIC REMARKS/COMMENTS

One resident commented on the presentation, LL's being sent to State, and LOSAP questions.
Another resident wanted the website updated, Annual financial report 2025, and the Annual water report for 2025.

No further public remarks or comments were made.

Supervisor Maerten has announced the following upcoming meetings:

- Tentative Town Board Work Session: Tuesday, July 27, 2026.
- Public Hearing: Scheduled for Thursday, July 30, 2026, beginning at 8:00am.

- Town Board Regular Meeting: Scheduled for Monday, August 10, 2026, at 7:00 pm.

Motion by Councilman Lukasik, seconded by Councilman Kantor, to adjourn from the Regular Meeting at 7:50 p.m. Motion carried.

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Noreen E. Lemma, Town Clerk