PENDLETON TOWN BOARD
REGULAR MEETING and PUBLIC HEARING
September 14, 2026

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on August 27, 2026 and on the Town's website.

Supervisor Maerten opened the Public Hearing at 7:00 p.m.

The purpose of the hearing is to allow public input on a request to rezone a property on South Transit Road (SBL 151.00-2-20.1) from the current mixed zoning. The proposed change includes this property (SBL 151.00-2-20.1) being rezoned from Medium Commercial and Residential (R-1) to Medium Commercial in its entirety.

Supervisor Maerten opened up the floor to public comments.

There were no public comments.

Motion made by Councilman Rumbold, seconded by Councilman Lukasik, to close Public Hearing at 7:03 p.m. Motion carried.

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 14th day of September, 2026, at 7:00 p.m.

Supervisor Maerten called the meeting to order at 7:04 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
Dave Fischer - Highway/Water & Sewer Superintendent
Troy Barnes - Building Inspector/Code Enforcement Officer
Patrick Covell - Recreation Director
Mark Walter – Deputy Supervisor
Tom Maturski – Budget Officer

There were 29 residents in attendance.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

The following amendments were made to the agenda:

- Executive Session
- Add – Resolution K – Authorizing Posting of Positions in Water/Sewer Department
- Add – Resolution L – 284 Agreement

No other amendments were made to the agenda.

GIRL SCOUT TROOP #70122 – PUZZLE LIBRARY

Representatives of Girl Scout Troop #70122 addressed the Town Board regarding their proposal to establish a small **Puzzle Library** within the Town, similar to the existing Little Library.

Motion by Councilman Rumbold, seconded by Councilman Lukasik, to allow the Girl Scout Troop #70122 to establish a Puzzle Library.
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0

Eagle Project Update – 2 years in the making. They are securing the roof, painting and priming of the structure will take place between the 18th-20th. Moving the structure to Townline & Irish next Spring, where landscaping will be done. Windows TBD.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

One Resident found an address correction in resolution E.
Another Resident talked about Resolutions.
And our last Resident discussed Resolutions and Budget lines.

No further public comments were made.

ROUTINE BUSINESS

RESOLUTION 173-26
MEETING MINUTES – AUGUST 10, 2026
Motion by Councilman Lukasik, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 14th day of September 2026, that the meeting minutes from the Regular Meeting held on August 10, 2026, are hereby approved as presented by Town Clerk Lemma.

RESOLUTION 174-26
ABSTRACT #17
Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 14th day of September 2026, to authorize payment of Abstract #15, Vouchers #26-00871 to #26-00933, which will be paid on September 16, 2026, as follows:

General Fund	$	27,664.09
Highway	$	22,239.76
Capital Fund	$	7,330.50
Sewer	$	4,164.63
Water	$	8,507.58
Trust & Agency	$	7,689.30
TOTAL	$	77,595.86

OTHER REPORTS

Supervisor Maerten reported that the tax collected for July 2026 was $248,241.30. This is an increase of $29,229.40 when compared with July 2025. The year to date received is $1,628,209.19 which an increase of $143,005.46 from 2025.

Councilman Buechler talked about the upcoming Pendleton Fair/Expo on October 10, 2026, and all the activities and events coming.

Councilman Kantor also talked about running the Hot dog stand at the Expo.

Councilman Lukasik discussed the repairs and maintenance on Town Hall, and mentioned the Judges Grant for the court room and all the updates on that. He did mention the 200th Anniversary of the Town of Pendleton approaching soon, and getting ready for that.

Councilman Rumbold provided an update regarding messages left with sound companies for the Community Center, as well as communications with other Towns regarding the ATV trails. There is nothing further to report at this time. He also expressed his appreciation to Mr. Walter for his assistance with the Seniors. He further mentioned looking into including additional funding in the budget for the walking trail.

Attorney Joerg had nothing to report.

Budget Officer Maturski discussed the 2027 budget, and State information regarding tax cap override, spending and other budget related items.

DEPARTMENT HEADS

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

Highway Superintendent Fischer had nothing to report.

Building Inspector Barnes had nothing to report.

Recreation Director Covell had nothing to report.

EXECUTIVE SESSION called by Supervisor Maerten
Motion by Councilman Buechler, seconded by Councilman Rumbold, to enter into an Executive Session with Deputy Town Supervisor Walter and Town Attorney Joerg, topic starting with personnel and then rolling into litigation, at 7:26 p.m. Motion carried.

Motion by Councilman Buechler, seconded by Councilman Kantor, to adjourn from the Executive Session at 7:53 p.m. Motion carried.

NEW BUSINESS

RESOLUTION 175-26
RESOLUTION APPROVING REQUEST FOR REZONING
Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0

WHEREAS, property located on South Transit Road (SBL 151.00-2-20.1) is currently zoned Medium Commercial and Residential (R-1); and

WHEREAS, an Application for Rezoning of Property has been submitted by the current owner or owner's representative requesting the property be rezoned to Medium Commercial in its entirety for a stated purpose consistent with such zoning; and

WHEREAS, the Planning Board, at the July 21, 2026 meeting, did vote to approve a Negative Declaration upon review of the State Environmental Quality Review (SEQR) documents submitted for this proposed project; and

WHEREAS, the Planning Board, at the July 21, 2026 meeting, did vote to approve a recommendation to the Town Board for final approval of the proposed rezoning; and

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

WHEREAS, a public hearing was scheduled for September 14, 2026 at 6:55 pm by resolution of the Town Board at the August 10, 2026 meeting; and

WHEREAS, the public hearing took place on September 14, 2026 and all interested parties were heard.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2026 that the requested rezoning of a property on South Transit Road (SBL 151.00-2-20.1) from a mixed zoning of Medium Commercial and Residential (R-1) to Medium Commercial in its entirety is approved. This resolution shall take effect immediately.

RESOLUTION 176-26
SCHEDULE PUBLIC HEARING
Motion by Councilman Lukasik, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 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 Battery Energy Storage System (BESS) project to be located on property at 5960 Donner Road and communicated such recommendation in the meeting minutes of the Planning Board's August 18, 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.

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 14th day of September 2026 that a public hearing is scheduled on October 13, 2026 at 6:55 pm for a Special Use Permit for the proposed Battery Energy Storage System (BESS) project, which is located at 5960 Donner Road. This resolution shall take effect immediately.

RESOLUTION 177-26
AUTHORIZING REQUEST FOR LINEAR SPEED LIMIT
Motion by Councilman Rumbold, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0

WHEREAS, Good Shepherd Roman Catholic Church ("Good Shepherd") owns property at or adjacent to 5442 Tonawanda Creek Road in the Town of Pendleton; and

WHEREAS, Orleans Niagara BOCES operates an educational program within a facility owned by Good Shepherd at the identified location; and

WHEREAS, a request to establish a school zone at this location has been conveyed to the Town of Pendleton; and

WHEREAS, it has been requested that New York State Department of Transportation Request for Linear Speed Limit (Form TE9) be submitted to further the evaluation of the need for the establishment of a school zone.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2026 that the Supervisor is authorized to submit New York State Department of Transportation Request for Linear Speed Limit (Form TE9) to the New York State Department of Transportation and Niagara County Public Works. This resolution shall take effect immediately.

RESOLUTION 178-26
APPROVING EXPENDITURE (1 OF 2)
Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0

WHEREAS, the Town Hall roof needs maintenance and repair; and

WHEREAS, efforts were made solicit proposals from multiple contractors; and

WHEREAS, one (1) proposal for roof maintenance and repair has been submitted for consideration.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2026 that proposal for Town Hall roof repair and maintenance received from Grove Roofing for a total of $5,677 is approved. This resolution shall take effect immediately.

RESOLUTION 179-26
WAIVING FEES
Motion by Councilman Rumbold, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2026 that all fees associated with efforts of the Building Department and Planning Board related to Wendelville Fire Company, Inc.'s work for approval of refurbishing, building, or otherwise developing and improving the Fire Company's property located at the intersection of E. Canal Road and Lauren Street for continued operation of a fire hall are waived. This resolution shall take effect immediately.

RESOLUTION 180-26
APPROVING EXPENDITURE (2 OF 2)
Motion by Councilman Lukasik, seconded by Councilman Rumbold, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2026 that proposed expenditure of $11,100.00 for refuse and recycling toes, as quoted by Rehrig Pacific Company, is accepted and approved. This resolution shall take effect immediately.

RESOLUTION 181-26
APPROVING NEW WENDELVILLE FIRE COMPANY MEMBER
Motion by Councilman Lukasik, seconded by Councilman Buechler, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2026 that William Weller is approved as a Restricted Member of the Wendelville Fire Company, Inc.'s Junior Member Program. This resolution shall take effect immediately.

RESOLUTION 182-26
APPROVING BUDGET TRANSFERS

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

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 14th day of September 2026 that the following budget transfers for the adopted 2026 budget are approved:

Transfer To:				**Transfer From:**		
#	**Budget Code**	**Description**	**Amount**	**Budget Code**	**Description**	**Amount**
1	A00-1010-200	Town Board Fixed Asset	$1,618.00	A00-1320-400	IND Auditing & Accounting	$1,618.00
2	A00-1110-450	Justice Supplies	$550.00	A00-1110-401	JCAP Grant	$530.00
				A00-1110-400	Justices Contractual	$20.00
3	A00-1410-410	Town Clerk - Codifying	$21.00	A00-1410-400	Town Clerk - Contractual	$21.00
4	A00-1420-102	Attorney - 2nd	$2,600.00	A00-1420-410	Attorney Contractual-Att	$2,600.00
5	A00-1420-103	Town Prosecuting Attorney	$1,400.00	A00-1420-420	Attorney Contractual Pro	$2,400.00
6	A00-1420-440	Attorney Solar	$4,440.00	A00-1420-420	Attorney Contractual Pro	$4,440.00
7	A00-1440-410	Engineering Fees PB Production	$4,146.00	A00-1440-413	Engineering Fees -Support Services	$4,146.00
8	A00-1620-110	Town Hall Personnel Cleaner	$1,250.00	A00-1620-120	Town Hall Work	$1,250.00
9	A00-1660-400	Central Storage Contractual	$102.00	A00-1670-400	Central Print & Mailing contractual	$102.00
10	A00-1710-401	IT Administration	$28,514.00	A00-1990-400	Contingency	$28,514.00
11	A00-1989-450	Farmer's Market Supply	$250.00	A00-1989-410	Bus. Development Farmer's Market	$250.00
12	A00-7110-416	Trail Killian	$2,370.00	A00-7110-400	Parks - Contractual	$2,370.00
13	A00-7130-400	Community Center contractual	$2,006.00	A00-7130-450	Community Center - Supplies	$2,006.00
14	A00-7550-400	Celebrations contractual	$362.00	A00-7550-410	Celebration - Fireworks	$362.00
15	A00-7989-410	Other cultural Nine-mile island	$42.00	A00-7989-450	Other Cultural - Nine Mile Island Supplies	$42.00
16	A00-8010-410	Zoning Board of Appeals-Public Mtg	$94.00	A00-8010-100	Zoning Board of Appeals - Personnel	$94.00
17	A00-9040-800	Workers compensation	$50,387.00	A00-9730-701	BAN Interest	$29,104.00
				A00-8540-100	Drainage - Personnel Service	$21,283.00
		TOTAL:	$100,152		TOTAL:	$101,152
18	DA0-5130-100	Machinery - Personnel	$3,000.00	DA0-5110-400	Maintenance of Roads - Contractual	$3,000.00
19	SS0-9040-800	Workers compensation	$50.00	SS0-9055-800	Disability Insurance	$50.00
20	SW0-8340-400	Directional Boring-contractual	$6,000.00	SW0-8340-430	Trans. & Dist. Meters	$6,000.00
21	SW0-9040-800	Workers compensation	$50.00	SW0-9040-810	Workers compensation - direct pay ins	$50.00
22	SW0-9060-800	Hospital-Medical Insurance	$2,935.00	SW0-8340-425	Contract Services	$2,935.00
		TOTAL:	$12,035		TOTAL:	$12,035

This resolution shall take effect immediately.

RESOLUTION 183-26
APPOINTING INDIVIDUAL TO POSITION

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

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2026 that Julia Valenzuela is appointed to the part-time position of Assessor's Information Clerk, compensated at the rate of $25.00 per hour, and with a start date of September 22, 2026. This resolution shall take effect immediately.

RESOLUTION 184-26
AUTHORIZING CEMETERY SUPPORT
Motion by Councilman Lukasik, seconded by Councilman Rumbold, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0

WHEREAS, the New York State General Municipal Law Chapter 24, Article 8, Section 165-A allows a municipal corporation to provide goods and/or services to a public cemetery corporation; and

WHEREAS, a request has been received from Acacia Park Cemetery Association to provide materials generally known as millings for driveway maintenance; and

WHEREAS, the Highway Superintendent has requested approval from the Town Board to provide this requested assistance.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of September 2026 that the Highway Superintendent is authorized to provide millings, as requested by the Acacia Park Cemetery Association, including transportation of such materials.
This resolution shall take effect immediately.

RESOLUTION 185-26
APPROVING POSTING OF POSITIONS – WATER/SEWER DEPARTMENT
Motion by Councilman Rumbold, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 14th day of September 2026 that the advertisement of potential openings in the Water & Sewer Department of the titles of Water & Sewer Maintenance and Laborer is approved. This resolution shall take effect immediately.

RESOLUTION 186-26
284 ACCEPTING AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEYS
Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
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 14th day of September 2026 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.

Supervisor Maerten addressed the Town Board regarding the FOIL appeal submitted by Mr. Harman. Supervisor Maerten reviewed the matter with the Board and the letter for the Board's approval.
Motion by Councilman Lukasik, seconded by Councilman Rumbold, the following resolution was
ADOPTED: Ayes 5 Maerten, Buechler, Kantor, Lukasik, Rumbold
Nays 0

PUBLIC REMARKS/COMMENTS

A resident thanked the Town Clerk for posting the AFR on the Town's website, and loved the Girl Scout presentation and idea of a Little Puzzle library.
Another resident Thanked Mr. Fischer for talking about Dunnigan Road repairs, and talked about the Budget, finances and Capital Project Funds. She also asked about the Eagle Scouts boat project.

No further public remarks or comments were made.

Supervisor Maerten has announced the following upcoming meetings:

- Tentative Town Board Work Session: September 28, 2026 at 7:00 p.m.
- Public Hearing: October 13, 2026 at 6:55 p.m.
- Town Board Regular Meeting: October 13, 2026 at 7:00 p.m.

Motion by Councilman Rumbold, seconded by Councilman Lukasik, to adjourn from the Regular Meeting at 8:14 p.m. Motion carried.

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Noreen E. Lemma, Town Clerk