PENDING APPROVAL

PENDLETON TOWN BOARD
PUBLIC HEARING & REGULAR MEETING
October 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 October, 2026, at 7:00 p.m.

PUBLIC HEARING
APPLICATION FOR SPECIAL USE PERMIT

Supervisor Maerten opened the Public Hearing at 6:58 p.m.

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on September 29, 2026 and on the Town's website.

The purpose of the hearing is to allow public input on a request for a Special Use Permit for a Battery Energy Storage System (BESS) on property located at 5960 Donner.

Supervisor Maerten opened up the floor to public comments.

There was one comment from the public, regarding the agenda and voting.

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

REGULAR MEETING

Supervisor Maerten called the meeting to order at 7:04 p.m.

Supervisor Maerten led the invocation and the Pledge of Allegiance.

The Fire Department addressed the Town Board regarding the 2027 budget and requested a 7% increase in its contract with the Town. Representatives discussed the rising costs associated with maintaining efficient operations and ensuring the safety of firefighters and the community. Expenses highlighted included outstanding debt on fire stations, equipment costs, and increased maintenance and repairs resulting from the number of emergency calls nearly doubling. They also noted rising utility costs and other operational expenses necessary to maintain safe and effective fire protection services.

Roll Call:

Supervisor Maerten	Present
Councilman Buechler	Present
Councilman Kantor	Present
Councilman Lukasik	Present
Councilman Rumbold	Absent

Also present:
Noreen Lemma - Town Clerk
Claude Joerg - Town Attorney
Dave Fischer - Highway/Water & Sewer Superintendent
David Britton - Town Engineer
Troy Barnes - Building Inspector/Code Enforcement Officer
Tom Maturski – Budget Director
Patrick Covell - Recreation Director

There were 17 residents in attendance.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

- Remove A – Approval of Special Use Permit

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

Two residents commented on the abstract and the executive session.
Also, a resident commented on the Personal Property Transfer of Ownership Agreement, between the Town and the NYS Canal Corporation for buoy boat 151.

No further comments were made by the public.

ROUTINE BUSINESS

RESOLUTION 187-26
MEETING MINUTES – SEPTEMBER 14, 2026
Motion by Councilman Buechler, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Kantor, Lukasik
Nays 0
Absent 1 Rumbold

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 13th day of October 2026, that the meeting minutes from the Regular Meeting held on September 14, 2026, are hereby approved as presented by Town Clerk Lemma.

Councilman Buechler commented on the public comment on litigation, and Supervisor Maerten added a motion to correct.
MOTION TO ADD: Ayes 4 Maerten, Buechler, Kantor, Lukasik
Nays 0
Absent 1 Rumbold

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RESOLUTION 188-26
ABSTRACT #18
Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Kantor, Lukasik
Nays 0
Absent 1 Rumbold
BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 13th day of October 2026, to authorize payment of Voucher Abstract #18, Vouchers #26-00934 to #26-00997, which were paid on September 30, 2026, as follows:

General Fund		$	44,417.08
Highway		$	6,514.50
Refuse		$	54,927.30
Sewer		$	2,452.58
Water		$	14,500.48
Trust & Agency		$	1,359.32
	Total	$	124,171.26

OTHER REPORTS

Supervisor Maerten reported that the tax collected for August 2026 was $234,897.68. This is an increase of $12,775.49 when compared with August 2025. The year to date received is $1,863,106.87 which an increase of $155,780.95 from 2025.

Councilman Buechler talked about the Councilmen being at the Community Fair and how nice of a turn out it was, and who was all there. He mentioned checking out the Boat, and has wrapped up the LOSAP audit and will get to the proper departments.

Councilman Kantor reported that he too was at the Fair and it was a nice experience, and looking forward to the next.

Councilman Lukasik stated that he has taken care of the last of the roof issues at Town Hall, and updated everyone on the JCAP grant for the courts. He also mentioned he spoke with Mr. Britton regarding Nine Mile Island, the Boy Scouts having projects they can tackle, and Grants to help.

Attorney Joerg replied to comments about the Boat, and discussed the possession and ownership, and responsibility of it.

Engineer Britton said they finished locating all the hydrants around Town and working on a new map with all the data needed to help. Also, working with Canal Corp., and the Greenway grant.

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Budget Director Maturski talked about the Tentative Budget and the stages, the tax cap, sales taxes, salaries, insurances and expenses.

DEPARTMENT HEADS

Town Clerk Lemma mentioned how busy the office is, and nothing more to report.

Highway Superintendent Fischer keeping busy, and working on the roads.

Building Inspector Barnes had nothing to report.

Recreation Director Covell spoke about the October Market coming up, and looking forward to upcoming events.

NEW BUSINESS

RESOLUTION 189-26
ACCEPTING AND AUTHORIZING THE FIRST THREE-YEAR RENEWAL AGREEMENT WITH MODERN DISPOSAL SERVICES, INC. FOR RESIDENTIAL GARBAGE AND RECYCLING

Motion by Councilman Buechler, seconded by Councilman Lukasik, the following resolution was ADOPTED:

Ayes	4	Maerten, Buechler, Kantor, Lukasik
Nays	0	
Absent	1	Rumbold

WHEREAS, the Town of Pendleton is a participating municipality under the Niagara County Solid Waste Consortium for the collection and disposal of residential solid waste and recycling collection and processing; and

WHEREAS, the Niagara County Solid Waste Consortium issued bid specifications on July 1, 2020; and

WHEREAS, the Town of Pendleton entered into an agreement with Modern Disposal Services, Inc. for an initial term of six years, commencing on January 1, 2021, on September 14, 2020; and

WHEREAS, the original agreement provides for two (2) additional three-year renewal options, subject to the mutual agreement of the parties and upon the same terms and conditions as provided therein, unless otherwise agreed upon by the parties; and

WHEREAS, the Town Board of the Town of Pendleton and Modern Disposal Services, Inc. have mutually agreed to exercise the first three-year renewal option for the period commencing January 1, 2027 and terminating December 31, 2029; and

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WHEREAS, pursuant to Section 3.10 of the Niagara County Solid Waste Bid Documents, the contractor may elect to determine tonnage collected from each participating community by either actual scale weights for tonnage collected from each community or by utilizing a weighted average of waste and/or recycling generation in each community based upon the preceding three (3) calendar years; and

WHEREAS, the Niagara County Environmental Coordinator evaluated actual scale weights of tonnage for each community over the preceding three years and assigned the Town of Pendleton an allocation of 24.6% of disposal volume and 29.9% of recycling volume, subject to the applicable provisions of the Niagara County Solid Waste Bid Documents and any subsequent adjustments authorized thereunder; and

WHEREAS, the Town Board has reviewed the terms and conditions of the proposed renewal agreement and has determined that entering into the agreement is in the best interests of the Town and its residents;

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 13th day of October 2026, that the Town Board of the Town of Pendleton hereby accepts and agrees to the terms and conditions of the first three-year renewal agreement with Modern Disposal Services, Inc. for the collection of residential garbage and recycling within the Town of Pendleton for the period January 1, 2027 through December 31, 2029; and

BE IT FURTHER RESOLVED, that the Town Board acknowledges and accepts the applicable allocation methodology set forth in Section 3.10 of the Niagara County Solid Waste Bid Documents, including the use of actual scale weights or the applicable three-year weighted average methodology as permitted therein; and

BE IT FURTHER RESOLVED, that, based upon the Town's current allocation of 24.6% of waste tonnage and 29.9% of recycling tonnage, subject to adjustment in accordance with the Niagara County Solid Waste Bid Documents and applicable contractual provisions; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute the renewal agreement and any documents reasonably necessary to effectuate the terms of this resolution on behalf of the Town of Pendleton; and

BE IT FINALLY RESOLVED, that this resolution shall take effect immediately upon adoption.

RESOLUTION 190-26
SCHEDULING PUBLIC HEARING
Motion by Councilman Buechler, seconded by Councilman Kantor, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Kantor, Lukasik
Nays 0
Absent 1 Rumbold

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WHEREAS, the Planning Board of the Town of Pendleton has recommended to the Town Board the renewal of the Special Use Permit for a solar project located on property at 6000 Donner Road and communicated such recommendation in the meeting minutes of the Planning Board's September 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 13th day of October 2026 that a public hearing is scheduled on November 9, 2026 at 6:55 pm for renewal of the Special Use Permit for the solar project which is located at 6000 Donner Road. This resolution shall take effect immediately.

RESOLUTION 191-26
APPROVING TRANSFER OF OWNERSHIP AGREEMENT
Motion by Councilman Buechler, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Kantor, Lukasik
Nays 0
Absent 1 Rumbold

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 13th day of October 2026 that the Transfer of Property – Transfer of Ownership agreement between the Town of Pendleton and New York State Canal Corporation, as presented, is approved.

FURTHER, BE IT RESOLVED, that the Supervisor is authorized to sign and execute this agreement. This resolution shall take effect immediately.

RESOLUTION 192-26
AUTHORIZING THE RE-LEVY OF UNPAID BALANCES
Motion by Councilman Kantor, seconded by Councilman Lukasik, the following resolution was
ADOPTED: Ayes 4 Maerten, Buechler, Kantor, Lukasik
Nays 0
Absent 1 Rumbold

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 13th day of October 2026 that the Town Clerk is authorized to collect unpaid water, sewer, and refuse fees, delinquent as of October 11, 2026, by sending the outstanding amounts to the Niagara County Office of Real Property Services for placement on the Town's tax rolls.

FURTHER, BE IT RESOLVED, the Town of Pendleton authorizes Niagara County Department of Real Property to re-levy all delinquent accounts on the Town's 2027 property tax bill.

FURTHER, BE IT RESOLVED, that it is acknowledged that the total unpaid amounts are $66,439.66 water, $56,726.89 sewer, and $52,900.00 Town charges. This resolution shall take effect immediately.

FURTHER, BE IT RESOLVED, that the Supervisor is authorized to sign and execute this agreement. This resolution shall take effect immediately.

RESOLUTION 193-26
ACCEPTING ENGAGEMENT LETTER FOR LEGAL SERVICES
Motion by Councilman Lukasik, seconded by Councilman Kantor, the following resolution was

ADOPTED:	Ayes	4	Maerten, Buechler, Kantor, Lukasik
	Nays	0	
	Absent	1	Rumbold

NOW, **THEREFORE BE IT RESOLVED,** by the Town Board of the Town of Pendleton on this 13th day of October 2026, that the engagement letter submitted by Hodgson Russ related to advisement of the Town Board and Planning Board on a specific rezoning application is accepted and the Supervisor is authorized to sign such engagement letter. This resolution shall take effect immediately.

Supervisor Maerten announced the following upcoming meetings:

- TB Work Session & Budget Meeting: Scheduled for October 26, 2026, at 7:00 p.m.
- Public Hearing for Budget: Scheduled for November 5, 2026, at 7:00 p.m.
- Public Hearing: Scheduled for November 9, 2026, at 6:55 p.m.
- Town Board Regular Meeting: Scheduled for November 9, 2026, at 7:00 p.m.

PUBLIC REMARKS/COMMENTS

A resident addressed the Town Board regarding the Park Recreation Area Improvement Project and the Town's implementation of its corrective action plan following the New York State Comptroller's review of capital project oversight. The same resident addressed the Town Board and submitted written, signed documentation to the Town Clerk, requesting that it be included in

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the official meeting minutes. The documentation was received by the Town Clerk and will be maintained on file in the Town Clerk's Office as part of the meeting records.

Another resident commented on the availability of the Tentative Budget and expressed concern that she had not received a water bill since earlier in the year.

A resident thanked the Town Board and proceeded to discuss discrepancies she had identified in the voucher abstracts. She also raised concerns regarding various Freedom of Information Law (FOIL) requests, referencing a comparison of requests and responses between herself and another resident.

No further public remarks or comments were made.

EXECUTIVE SESSION called by Supervisor Maerten
Motion by Councilman Kantor, seconded by Councilman Lukasik, to enter into an Executive Session with the Town Board, Town Attorney and Town Clerk to investigate a legal matter, at 7:55 p.m. Motion carried.

Supervisor Maerten acknowledged the complaint and stated that he was aware of the numbering discrepancies. He clarified that these errors did not affect the Town Board's original approval of the vouchers. He further explained that he and the Town Clerk have been working together to prepare a resolution to formally correct the meeting minutes and ensure the voucher abstracts are properly numbered. However, all necessary information had not been gathered prior to the meeting to finalize the resolution. He emphasized that the intent is to ensure the records are accurate and properly documented, and reiterated that the numbering corrections do not invalidate the Town Board's previous approvals of the vouchers.

Motion by Councilman Buechler seconded by Councilman Lukasik, to adjourn from the Executive Session at 8:11 p.m. Motion carried.

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

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Noreen E. Lemma, Town Clerk

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