

TOWN OF PENDLETON
SPECIAL MEETING
August 16, 2019

A Special Meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY on the 16th day of August 2019 at 5:00 p.m. Notice of this meeting was posted on the Town's website, the Town's Facebook page, the Town Clerk's bulletin board and the electric sign in front of the Town Hall.

Supervisor Maerten called the meeting to order at 5:15 p.m.

ROLL CALL: Supervisor Maerten	Present
Councilman Fischer	Present
Councilman Graham	Absent
Councilman Leible	Present
Councilman Ostrowski	Absent

Also present were:

Deborah Maurer	Town Clerk
Claude Joerg	Town Attorney
Mark Walter	Emergency Services Coordinator

There were no residents in attendance.

ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

There were no public remarks or comments on agenda items.

NEW BUSINESS/BOARD MEMBERS DISCUSSION

Litigation to Place the Term Extension for the Town Clerk on the Ballot

A discussion occurred regarding RESOLUTION 208-19, LOCAL LAW NO. 02-2019 EXTENSION OF TOWN CLERK TERM OF OFFICE, which was adopted at the August 12, 2019 Regular Meeting. Attorney Joerg informed the Board that the Local Law was submitted to the Niagara County Board of Elections (NCBE) on August 13, 2019. At that time, Mr. Joerg was informed by the NCBE that the statutory requirement for the submission of a referendum such as this was extended by New York Election Law § 4-108 [b]. The law extended the filing requirement from 36 days to three months prior to the election. Attorney Joerg spoke with NCBE Commissioner Lora Allen and NCBE Commissioner Jennifer Sandonato and it was agreed, that if so ordered by the court, placing this referendum on the ballot for the November 5, 2019 election would cause no harm or prejudice to the NCBE.

Attorney Joerg informed the Board of the process of filing a petition with the State of New York Supreme Court to request that the referendum be placed on the November 5, 2019 ballot. Town Clerk Maurer agreed to file the petition for an Article 78 proceeding requesting the State court to overturn the ruling of the NYS Board of Election.

A short discussion also took place regarding the close of the 2019 Summer Recreation Program.

Motion made by Councilman Leible, seconded by Councilman Fischer, to adjourn from the Special Meeting at 5:35 p.m. Motion carried.

Deborah K. Maurer, Town Clerk