

**TOWN OF PENDLETON  
PUBLIC HEARING & REGULAR MEETING  
June 10, 2024**

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 10<sup>th</sup> day of June 2024 at 7:00 p.m.

**PUBLIC HEARING**

**PUBLIC HEARING - PROPOSED LOCAL LAW NO. \_\_ OF THE YEAR 2024 TO AMEND TOWN CODE SECTION 235-4 SECTION A TO INCLUDE SUBSECTIONS (6), (7) AND (8) PARKING RESTRICTIONS**

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on May 31, 2024 and on the Town's website.

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

The purpose of this public hearing was to allow public comment on a proposed local law for the repeal of Sections 191-6 of the Town Code, the amendment of Sections 191-7 and 191-8 of the Town Code, and the adoption of this Ordinance 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.

Supervisor Maerten explained that anyone interested in commenting on the proposed local law will be given a three-minute timeframe to speak. He then asked Niagara County Deputy Sheriff Darryl Kroening to speak first.

Deputy Kroening came forth to inform the audience of safety concerns on the path. He reported that there have been two serious injuries on the path in the past few months. Both accidents were serious enough for the victims to be transferred to ECMC. Deputy Kroening also stated that he has been to many of the residents' homes in the past to speak with parents and children about exercising safety while riding the trails. His main concern is that riders are educated about the importance of safety and staying off of the streets. He reported that there are still many kids that run from him which creates a huge safety issue. He sees young people not following traffic and safety rules and doing wheelies down the roads. Deputy Kroening also spoke about a very traumatic accident in Wilson, NY that involved a 19-year-old saying that, while it did not occur in the Town of Pendleton, it was still very traumatic for the family and the first responders. He doesn't want to see something like that happen in Pendleton. He encouraged parents to continue to have conversations with their children about safety and teach them to ride respectfully.

Next, Supervisor Maerten opened up the discussion to the floor. There was a total of 31 people who spoke during the public hearing. All 31 speakers who addressed the Board were not in favor of the proposed local law. Brief summaries of the comments are listed below:

Speaker #1 - name not given – Suggested: increasing fines for violators of the current ordinance, requiring permitted riders to display an orange flag; consider using the unpaved portion of the trail between Meyer and Killian Roads only for recreational vehicles; thinks that the town should try to enforce the current rules rather than close it all together because the safety issues will still remain.

Speaker #2 - Russ Talma from MacIntosh Lane – Stated: he lives near the path and uses it to walk, bike, run and ride; is unaware of any significant history of incidents in the Town; is a volunteer Wendenville fireman and said that there are more injuries with walkers, bicyclists, playground accidents, and dog bites, and wonders how much money those incidents cost the town for liability insurance; in his experience a vast majority of the people using the path are respectful and hopes that all users "share the path"; the dirt bikes and ATVs using the trails predate the paved trail and is one thing that makes Pendleton unique; Hebel Sales and Service supports the town; traffic is down on the trail since resident-only rule; residents shouldn't be penalized.

Speaker #3 - Gary Gillman - Shared a different perspective as a walker who uses the trail: he has felt unsafe at times, but stated that some riders are courteous; would like to see that those who do use the trails become part of the solution by helping groom the trails; as residents “we are all in this together” and should work together as a team; everyone’s safety is important.

Speaker #4 - no name given – Stated: bikers and walkers have other options/places to go but ATV riders only have this trail; concerned about where riders will go if path is closed.

Speaker #5 - no name given – Stated: moved to the Town of Pendleton because of its wide open spaces; agrees that everyone should be able to share the space; wants his children to enjoy the trails and learn to use them respectfully, it’s part of the reason he moved from the city to this town.

Speaker #6 - Barb C. - lived here since 1990, belongs to a bike club and uses the trail, stated: most of the ATV users are nice but sometimes there are reckless riders; there are still dangerous riders doing wheelies on the roads; some riders on the path go above the posted speed limit of 15 mph; safety for everyone, ATV riders have the same rights but everyone needs to be respectful.

Speaker #7 - Annmarie Reeb – Stated: public hearing notice that was published provided a false claim stating that a local law was previously adopted when in fact it was an ordinance, local laws and ordinances are not the same, local laws cannot contain an ordinance; wanted to know when the Planning Board will address the proposed amendments and what their comments are; also asked which Town Board meeting included the response from the Planning Board.

Speaker #8 - Lonnie Daigler - representing the Shawnee Sno-Chiefs Snowmobile Club, Inc., stated: sent letters to the Town Board, asked if it was a permitted person that had the accident and if not then enforcement of the rules is what is important; suggested adding cameras to the trail; would like to see a public vote rather than a Town Board vote, or at least have the full Board in attendance; feels that if the local law passes then the issues will move to the streets creating more safety issues.

Speaker #9 - Mark from Feigle Road – Stated: bought house so his son would grow up with a nice place to ride his ATV, he now pushes his grandson in a stroller on the path as well and will teach his grandson how to ride on the trails; left the Town of Amherst to come to Pendleton because it is a great place to live and have fun.

Speaker #10 - no name given – Stated: understands that it is a liability issue and gave an example of a relative who was injured skiing and could not sue because the land was posted that the owner was not liable for injuries; suggested that if funding was an issue, a fee could be added to the permit which could be used for extra patrols on the trails.

Speaker #11 - Joe D. – Stated: there are other alternatives than banning ATV use altogether, more than one way to solve a problem.

Speaker #12 - no name given – Stated: moved to town in 1994, specifically looked for and bought a house on the trail; gave an example of two people walking on the trail with two dogs not on leashes which is a violation of the rules, next day saw two electric bicycles at a high speed, these issues will need to be addressed as well; he is against closing the trails to ATVs, his children use the trail and are respectful and have no citations; agrees that there are times people should slow down; asked if out of town people who use the trails to walk will need a permit; purchased a mule but cannot use it on the trail.

Speaker #13 - Johnathan Roller – Stated: has lived in the Town of Pendleton for 43 years and riding trails for 31 years, teaches his children to ride safely, town needs to enforce the current rules better; suggested flagging vehicles; teach proper training class at Town Hall for a fee to offset the cost of enforcement; many people moved here specifically to use the trails; sent a FOIL request to the Town of Pendleton for incident reports but they did not exist in the town.

Speaker #14 - George from Irish Road – Stated: been riding in town since 2005, suggested charging a fee and offering one-day visitor passes to offset the funds for security and trail maintenance; families should be able to have family ride with them to enjoy the trails even if from out of town.

Speaker #15 - Kevin – Stated: grew up riding the trails, a lot of best memories have been made on these trails; riders will “run” if faced with getting a ticket or having vehicle impounded which will be

more dangerous; suggested that the town sponsors an event “ride meet up day” for people to get permits, safety orientation, food trucks, etc.

Speaker #16 - no name given - 26-year resident, stated: rode the trail long before it was a bike path, trail is getting smaller because it is not maintained, causes more issues making riders move to the pavement.

Speaker #17 - Roland Jamieson from Townline Road – Stated: out of towners are still using the path because the rules are not being enforced; let them ride but charge them a fee to use it; the Niagara County Trailriders club no longer exists, didn’t have problems when the club enforced the rules.

Speaker #18 - Bruce – Stated: at the end of the day this is our town, there are a couple “dirt bags” causing trouble and they should be reported; parents need to step up and teach their kids to be respectful, don’t leave it up to the police to chase them because it is dangerous; residents need to report issues, take photos of plates.

Speaker #19 - no name given – Stated: liked the [previously stated] idea of having an event to raise money to fund the trail, a riding club would be helpful, we are part of a community and this is why we live here and pay our taxes; continue to be the community that allows these activities, prohibiting on the trails will cause more problems by putting people on the streets; was almost run over by a bicyclist on the trail, issues with everyone using the trail not just the riders, key is to teach people how to ride respectfully.

Speaker #20 - Tina - 10-year resident, stated: moved here because of “wide open spaces”, loves the Rails to Trails, supports the multi-use trail which she uses with her family; reminded everyone that a permit is required to ride which includes providing registration and insurance; signing an indemnity, also signing a liability waiver which should absolve the town of any responsibility or issue that arises if a person is not riding respectfully; also concerned that more people will ride on the roads if not allowed on the trail which will create an even bigger safety concern.

Speaker #21 - Jordan Brown – Stated: purchased first dirt bike in 2021 and likes the trails; trails are not currently maintained well which is unsafe even for the bicyclists; he has been spoken to personally by Deputy Kroening and has learned his lesson and will obey the laws; does not want the trails closed and feels Officer Kroening will be helpful to kids by teaching them how to ride responsibly.

Speaker #22 - Ed Harman - provided the history of the original grant explaining that during the grant application process it was suggested that the town make it a multi-use trail instead of just a walking trail using the reason that other municipalities in the State were applying for walking trails only, the Town of Pendleton would be the only one requesting funding for a multi-use trail which would help with the application, it also coincided with the town’s 2020 Comprehensive Plan making the town a “recreation destination”; mentioned that a lot of the people in attendance moved here because of this trail.

Speaker #23 - Jeff Binga, President of the New York State Off-Highway Recreational Vehicle Association (NYSORVA) and a member of the New York State Trails Council (NYSTC) – Stated: trails council is made up by bikers, hikers, motorcyclists, joggers, horseback riders, etc. who all have a plan to get along; suggested the creation of a multi-use trail club to help maintain the property and police the trail, will need volunteers, “enforcement = compliance”, banning will create outlaws with no one to police them, offered to help set up the club.

Speaker #24 - Steve - member of bicycle club, stated: riding on the roads has become more dangerous so he is grateful to have the trails; gave an example of an accident that occurred because of gravel on the path; hopes that everyone can cooperate to help keep the path clean so it is safe for everyone.

Speaker #25 - Deke Lemieux from Meyer Road - longtime resident, stated: his property connects to the trail, kids use it all of the time, if they break the rules the parents take care of it at home; town left the trail between Meyer and Killian Roads a mess after digging up ditches which made it very dangerous, pays a lot of taxes and hopes that the town can put some money towards maintaining the trails; trouble makers won’t go away with closing the trail; already lost the right to ride on the canal trail, walkers can walk that trail and the multi-use trail should remain just that; snowmobiles can create liability as well; keep the town green and open for recreation.

Speaker #26 - Leanne Anderson - born and raised in Pendleton, stated: “this is what the town has always been”, both kids and adults ride this trail, don’t punish the adults that have lived here their whole life and ride the trails; family is permitted, registered and insured to ride in the town; kids breaking the rules will continue to break the rules, community should work together to teach them.

Speaker #27 - Carol Schmelz from Townline Road, member of NYSTC for 27 years – Stated: has ridden horses in town for 50 years; was active with the Town Board when they originally applied for the multi-use grant; getting older and wonders what will happen if she can’t walk the trails in the future and needs to ride an ATV to walk her dog; shared the “NYS’s Recreational Use Statute: The General Obligations Law” with the Town Board to read.

Speaker #28 - no name given – Stated: has been riding the trail for forever, riders have already lost the right to ride on the canal trail, been riding before it was a bike path; businesses such as Hebler’s, Kenyons, and Scooters will lose money; a great hurt for the community; trail needs to be maintained better and everyone should help enforce the rules; ATV riders have to get a permit and pay for registration and insurance, why don’t walkers and bicyclists have to pay?

Speaker #29 - Wally Piatkowski – Stated: trail cuts through his property and would like to know if, as a homeowner, he will have a personal exemption for access to his property on either side of the trail.

Speaker #30 - Scott Kuhns – Stated: has been riding for 45+ years, thinks that the town can do more for maintenance to make is safer; has his own dirt bike track in his yard.

Speaker #31 - Sara Siracuse – Stated: questioned if the Board is proposing a local law or an ordinance; hopes that the Supervisor is listening to the public; feels that the last time there was a public hearing on this subject, even though only two people spoke in favor of that previous law/ordinance, the Board still voted for it while ignoring the others who spoke against it; it is true that the trail is here because of the original multi-use grant; there are very few activities in the town for children 13 and over; asking to please consider allowing non-residents to ride again.

There were no other questions or comments from the public.

Motion made by Councilman Leible, seconded by Councilman Buechler, to close the Public Hearing at 8:05 p.m. Motion carried.

### REGULAR MEETING

Supervisor Maerten called the meeting to order at 8:09 p.m.

Supervisor Maerten read the invocation and the salute to the flag.

#### Roll Call:

Supervisor Maerten	Present
Councilman Buechler	Present
Councilman Hickman	Present
Councilman Leible	Present
Councilman Lombardo	Absent

#### Also present:

Deborah Maurer - Town Clerk  
Claude Joerg - Town Attorney  
David Britton - Town Engineer  
Dave Fischer - Highway/Water & Sewer Superintendent  
Ron Diedrich - Building Inspector/Code Enforcement Officer  
Mark Walter - Deputy Town Supervisor  
Town Justice Todd Ostrowski  
Niagara County Deputy Sheriff Darryl Kroening

There were approximately 90 residents in attendance. Some were standing in the hallway and could not be accurately accounted for.

## AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

The following change was made to the agenda:

- Delete #1 - Local Law No. \_\_\_ of the Year, 2024 to Amend Town Code Sections 191-6, 191-7 And 191-8
- Delete #15 - Approval of Land Maintenance Contract

## PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident commented on one of the vouchers included in Abstract #10 wondering if the Town entered into a contract with the Pendleton Seniors and whether or not they are a 501(c)(3), the resolution to waive the fees for not-for-profit organizations participating at Pendleton Station Market, the employment status (full or part-time) of the Deputy Clerk position and the budget code transfer resolution.

Another resident commented on a budget code used for a voucher being paid in Abstract #11 and questioned a line on the proposed budget transfer list.

There were no other public remarks or comments on the agenda items.

## ROUTINE BUSINESS

RESOLUTION 174-24

### MEETING MINUTES - MAY 13, 2024

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible

Nays 0

Absent 1 Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that the meeting minutes for the Regular Meeting held on May 13, 2024, are approved as presented by Town Clerk Maurer.

RESOLUTION 175-24

### ABSTRACT #10

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible

Nays 0

Absent 1 Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, to authorize payment of Voucher Abstract #10, Vouchers #24-00500 to #24-00572 which was paid on May 29, 2024 as follows:

General	\$	35,950.13
Highway	\$	14,098.77
Capital	\$	504,055.72
Refuse	\$	50,780.15
Sewer	\$	23,236.96
Water	\$	1,533.37
Total	\$	629,655.10

RESOLUTION 176-24

### ABSTRACT #11

Motion by Councilman Hickman, seconded by Councilman Buechler, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible

Nays 0

Absent 1 Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, to authorize payment of Voucher Abstract #11, Vouchers #24-00573 to #24-00612 to be paid on June 12, 2024 as follows:

General	\$	19,321.80
Highway	\$	9,756.61
Capital	\$	34,102.00

Sewer	\$	8,831.30
Water	\$	5,694.69
Total	\$	77,706.40

## OTHER REPORTS

**Supervisor Maerten** reported that the sales tax collected for April 2024 was \$184,770.11. This is a decrease of \$259.31 compared with April 2023. The year to date received is \$794,471.09 which is an increase of \$10,569.99 from 2023.

**Councilman Leible** said that he attended the Eagle Scout Project Dedication Ceremony for Drew Zimmerman which was held on May 30, 2024 at the trail head on Townline Road. He stated that Drew did an excellent job building the rail trail kiosk for that location. Drew is a member of Boy Scout Troop 47 in Pendleton.

**Councilman Hickman** had nothing to report.

**Councilman Buechler** reported that he also attended the Eagle Scout Project Dedication Ceremony and said that it was “one of the best” Eagle Scout projects he has ever seen. He also stated that he performed the quarterly Length of Service Award Program (LOSAP) audit with the Wendelville Fire Company and that it went very well.

**Attorney Joerg** had nothing to report.

**Engineer Britton** reported that the Comprehensive Plan Update Survey will be closing on June 14<sup>th</sup>. He stated that 190 responses have been received so far and will provide a report once the responses have been compiled.

## DEPARTMENT HEADS

**Town Clerk Maurer** reported that monthly reports were received from the Assessor, Engineer, and Highway Superintendent. These reports, along with the monthly reports for the Town Clerk and Water/Sewer collection, were posted online with the agenda documents. She also stated that the Dog Control Officer report was handed to her prior to the meeting and will be added to the online postings.

Next, Mrs. Maurer explained that she is going through a transition of how monies are collected and recorded in her office and is using new software to slowly change over the payments into the new system. During this transition period, she will provide two separate reports and combine the totals in the monthly report to the Board. She then informed the Board of the following monies received and collected in the month of May:

Total State, County and Local Revenues	\$	97,865.14
Water/Sewer Collection	\$	88,068.92

**Highway and Water/Sewer Superintendent Fischer** had nothing to report.

**Building Inspector Diedrich** had nothing to report.

**Assessor Valentine** reported that the Board of Assessment Review Grievance Day was held in May. He had only received one complaint and one stipulation which were both resolved before the Board of Assessment Review. He also stated that he will be submitting the Final Roll to Niagara County at the end of June.

## NEW BUSINESS

Local Law No. \_\_\_ of the Year, 2024 to Amend Town Code Sections 191-6, 191-7 And 191-8

This item was removed from the agenda.

RESOLUTION 177-24

**BUDGET TRANSFERS**

Motion by Councilman Hickman, seconded by Councilman Leible, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible

Nays 0

Absent 1 Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that the budget line transfers recommended by the Budget Officer, as presented to the Town Board, are authorized for the 2024 budget. This resolution shall take effect immediately.

<u>General Fund</u>					
<i>Transfer Funds To:</i>			<i>Transfer Funds From:</i>		
Budget Code	Description	Amount	Budget Code	Description	Amount
A1110.0450	Justices - Supplies	\$ 3,000.00	A1110.0400	Justices - Contractual	\$ 3,000.00
A1220.0450	Supervisor - Supplies	\$ 800.00	A1220.0400	Supervisor contract services	\$ 800.00
A1460.0400	Records Management - Cont.	\$ 300.00	A1620.0400	Town Hall Contractual Services	\$ 300.00
A1620.0120	Town Hall - Town Hall Work	\$ 792.56	A1620.0400	Town Hall Contractual Services	\$ 792.56
A7180.0100	Spec. Rec. - Bike Paths - Pers.	\$ 382.41	A7140.0100	Playgrounds - Personnel	\$ 382.41
A9050.0800	Unemployment Insurance	\$ 1,172.00	A1620.0400	Town Hall Contractual Services	\$ 1,172.00
A6326.0400	Economic Opportunitites	\$ 500.00	A1990.0400	Contingent Account	\$ 500.00
		TOTAL: \$ 6,946.97			TOTAL: \$ 6,946.97

  

<u>Capital Fund</u>					
<i>Increase Capital Fund Expense</i>			<i>Increase Capital Fund Revenue</i>		
Budget Code	Description	Amount	Budget Code	Description	Amount
H.7140.0401	Engineering Expense	\$ 80,000.00	H.5031	Building Reserve	\$ 80,000.00
		TOTAL: \$ 80,000.00			TOTAL: \$ 80,000.00

RESOLUTION 178-24

**JCAP RFP AWARD**

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible

Nays 0

Absent 1 Lombardo

WHEREAS, the Town of Pendleton was awarded a grant through the 2023-24 cycle of the Justice Court Assistance Program (JCAP); and

WHEREAS, this grant funding was accepted by resolution of the Town Board on March 11, 2024; and

WHEREAS, a Request for Proposals for the work detailed in the Justice Court Assistance Program was approved and authorized for advertisement at the May 13, 2024 meeting of the Town Board; and

WHEREAS, proposals received by the Town Clerk were provided to the Town Board for review.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that proposal received from Robert Lucas for \$23,750.00 is accepted. This resolution shall take effect immediately.

RESOLUTION 179-24

**MODIFICATION TO CONTRACT AWARD - PORTABLE TOILETS**

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible

Nays 0

Absent 1 Lombardo

WHEREAS, a resolution was passed by the Town Board on March 11, 2024 authorizing the expenditure for portable toilets, accepting the lowest quote provided; and

WHEREAS, the dates of service detailed in the March 11, 2024 resolution were incorrect; and

WHEREAS, action is necessary to correct the approved resolution with the intended dates of service.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that the quote provided by Julie's Portable Toilets is authorized for an expenditure not to exceed \$2,075.00 for service from March 15, 2024 through September 30, 2024. This resolution shall take effect immediately.

RESOLUTION 180-24

**PSM FEE WAIVER**

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible  
Nays 0  
Absent 1 Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that the vendor permit fees related to the Pendleton Station Market for all not-for-profit organizations participating for informational purposes are waived. This resolution shall be valid from the date passed through December 31, 2024. This resolution shall take effect immediately.

RESOLUTION 181-24

**SCHEDULE PUBLIC HEARING - REZONING REQUEST**

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible  
Nays 0  
Absent 1 Lombardo

WHEREAS, as property owner or the property owner's representative did present plans for development of specific parcels of property located on Campbell Boulevard in the Town of Pendleton; and

WHEREAS, a portion of the properties detailed in the application under review by the Planning Board is improperly zoned for the proposed development; and

WHEREAS, the zoning of the parcel includes Light Commercial (CO-1) and Residential (R-2); and

WHEREAS, the Planning Board has recommended rezoning of this specific parcel to appropriate zoning, in anticipation of possible approval of the development of these specific parcel.

WHEREAS, a public hearing is required for the requested property rezoning.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that a public hearing is scheduled for July 8, 2024 at 6:55 p.m. for the request to rezone SBL 136.00-1-46.2 from the current mixed zoning. The proposed change includes SBL 136.00-1-46.2 being rezoned to Light Commercial (CO-1) for the entirety of the parcel. This resolution shall take effect immediately.

RESOLUTION 182-24

**ROAD CLOSURE**

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible  
Nays 0  
Absent 1 Lombardo

WHEREAS, Main Road, a public roadway intersecting with Mapleton Road at its north terminus and Campbell Boulevard at its south terminus, is a road maintained by the Town of Pendleton; and

WHEREAS, the Town Board has received a request from the Wendelville Fire Company, Inc. to close Main Road to traffic on June 25, 2024 from 5:00 pm to 9:30 pm for reasons that include fundraising for the Fire Company.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that the Wendelville Fire Company, Inc. is authorized to close Main Road to traffic on June 25, 2024 from 5:00 pm to 9:30 pm. This resolution shall take effect immediately.



RESOLUTION 183-24

**APPOINTMENT OF SUMMER PROGRAM EMPLOYEES**

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible  
Nays 0  
Absent 1 Lombardo

WHEREAS, the Town of Pendleton plans and implements an annual summer recreation program for community youth; and

WHEREAS, the Town's Summer Recreation Program is coordinated and managed by the Recreation Director, who is appointed by the Town Board; and

WHEREAS, the Recreation Director relies on the efforts of seasonal employees hired for multiple position titles to assist with all-aspects of the operation of the Summer Recreation Program; and

WHEREAS, the Town Board approved advertisement of multiple position titles for the Summer Recreation Program at the December 11, 2023 meeting; and

WHEREAS, the Recreation Director has requested approval of compensation rates for titles associated with the Summer Recreation Program and appointment of individuals to multiple position titles.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that the following appointments for the Summer Recreation program are approved upon approval of Niagara County civil service applications:

Recreation Leaders (Counselors):

Kylie Fontana	Liam Keely	Iliana Buttitta
Benjamin Preisch	Spencer Culligan	Jacob Agro
Michael Mikulski	Samuel Haag	Rowan Schmidt
Adrianna Siriani		

Lifeguards:	Paul Wissel	Sydney Labaugh
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This resolution shall take effect immediately.

RESOLUTION 184-24

**APPROVAL OF PROJECT - TOWN HALL PARKING LOT PAVING**

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible  
Nays 0  
Absent 1 Lombardo

WHEREAS, the Town Board of the Town of Pendleton has discussed the need to resurface the parking lot located at the Town Hall complex on Campbell Boulevard; and

WHEREAS, the approved 2024 budget for the Town of Pendleton includes an anticipated project to resurface the Town Hall complex parking lot; and

WHEREAS, authorization of the Town Hall Complex Paving Project is appropriate.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that the initiation of work to plan and implement the Town Hall Complex Paving Project is approved. This resolution shall take effect immediately.

RESOLUTION 185-24

**APPROVAL OF RFP - TOWN HALL PARKING LOT PAVING**

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible  
Nays 0  
Absent 1 Lombardo

WHEREAS, the Town Board of the Town of Pendleton has discussed the need to resurface the parking lot located at the Town Hall complex on Campbell Boulevard; and

WHEREAS, the approved 2024 budget for the Town of Pendleton includes an anticipated project to resurface the Town Hall complex parking lot; and

WHEREAS, the Town Board authorized initiation of work to plan and implement the Town Hall Complex Paving Project; and

WHEREAS; a Request for Proposals for placement of new asphalt material has been submitted to the Town Board for approval.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that the Request for Proposals for new asphalt placement for the Town Hall Complex Paving Project is approved. This resolution shall take effect immediately.

RESOLUTION 186-24

**APPOINTMENT OF DEPUTY TOWN CLERK**

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible  
Nays 0  
Absent 1 Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, that Aimee Jarvis is appointed to the part-time position of Deputy Town Clerk (3) with a rate of compensation of \$18.50 per hour. This resolution shall take effect immediately.

RESOLUTION 187-24

**APPROVAL OF ASSESSOR TRAVEL REQUEST**

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible  
Nays 0  
Absent 1 Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, to approve the travel request for the Town Assessor to attend the New York State Assessors Association (NYSAA) 2024 Cornell Seminar on Professional Development, held July 14 - 19, 2024.

RESOLUTION 188-24

**APPROVAL OF SUMMER CAMP CONTRACT**

Motion by Councilman Leible, seconded by Councilman Hickman, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Hickman, Leible  
Nays 0  
Absent 1 Lombardo

BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10<sup>th</sup> day of June 2024, to accept the Facilities Usage Agreement as presented between the Town of Pendleton and the Eilmar, Inc. D/B/A Four Seasons Child Care Center for the period of July 1, 2024 through and including August 26, 2024.

Approval of Land Maintenance Contract

This item was removed from the agenda.

**BOARD MEMBERS DISCUSSION**

Supervisor Maerten announced that there will be a Work Session held on June 17, 2024 at 7:00 p.m. This is in place of the tentatively scheduled Work Session on June 24<sup>th</sup>. The next Regular Meeting will be held on July 8, 2024.

Councilman Leible asked Highway Superintendent Fischer why the entrance to Nine Mile Island was closed off with a locked chain. A discussion occurred between them and other Town Board members regarding this. It was stated that the entrance will remain locked until safety hazards are rectified.

## **PUBLIC REMARKS/COMMENTS**

An Oakwood Drive resident wondered if the Pendleton Farm and Home Days are cancelled which was confirmed by the Town Supervisor. He also suggested that the Comprehensive Plan Update Survey be extended and reposted online again to try to get more responses.

Another resident commented that she was confused about the transfer from Building Reserve and would like to know why a public hearing wasn't held. She also wanted to know where the money was coming from to fund the paving project that was approved. Lastly, she stated that she was very disappointed with the questions on the Comprehensive Plan Update Survey and doesn't feel that all of the items included in the Comprehensive Plan are being addressed. She would like to know when discussions are happening regarding this update and has not seen anything from the Planning Board concerning this topic. She doesn't feel that this update is being handled properly and wishes that there was a committee made up of residents to accomplish this.

A third resident thanked the Supervisor for stating that the transfer was coming from the Building Reserve and would also like to know why a public hearing wasn't held prior to the transfer. She then thanked Councilman Leible for making the motion to table the vote on the proposed ordinance/local law. She also made a suggestion to add the participating child's name to the waiver included with the Four Seasons Child Care Center Agreement.

One more resident spoke and provided helpful information for the Town Clerk to help promote the Comprehensive Plan Update Survey on the town's Facebook page.

Motion by Councilman Leible, seconded by Councilman Hickman, to adjourn from the Regular Meeting at 8:55 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk

PENDING APPROVAL