

PENDLETON TOWN BOARD
REGULAR MEETING & PUBLIC HEARINGS
February 10, 2025

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 10th day of February 2025, at 7:00 p.m.

PUBLIC HEARING #1
APPLICATION FOR SPECIAL USE PERMIT

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on February 4, 2025 and on the Town's website.

The purpose of the hearing was to receive public input regarding an application for a Special Use Permit for the proposed stone and construction debris crushing operation to be located at 5532 Killian Road.

Supervisor Maerten opened the discussion by inviting Attorney Daniel Spitzer of Hodgson Russ LLP to address the Town on the matter. Mr. Spitzer conveyed his legal opinion after a thorough review of the application for a Special Use Permit for a rock crushing operation and accompanying documentation. He concluded that the Town cannot proceed with the application as "rock crushing" is not a permitted use under the current Town Code. Providing historical context dating back to actions taken on the property since 2019, Mr. Spitzer clarified that the Town lacks jurisdiction to consider such a use. According to existing regulations, "special uses" must align with already permissible uses within the Light Industrial zone, and there is no similar use to "rock crushing" currently allowed. To move forward, the applicant must either propose an amendment to the zoning code specifically allowing "rock crushing" as a special use or seek a variance from the Zoning Board of Appeals. Mr. Spitzer indicated his intent to provide the Board with a formal resolution reflecting the Town's position on the matter and advised canceling the Public Hearing due to the lack of jurisdiction to grant the requested Special Use Permit.

Motion made by Councilman Leible, seconded by Councilman Lombardo, to cancel the Public Hearing at 6:55 p.m. Motion carried.

Supervisor Maerten stated that a Work Session will be held on February 24, 2025, to further discuss this matter.

PUBLIC HEARING #2
REZONING APPLICATION

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on February 4, 2025 and on the Town's website.

Supervisor Maerten opened the Public Hearing at 6:55 p.m.

The purpose of the hearing was to receive public input on a request to rezone a property on Campbell Boulevard (SBL 150.01-1-19.11) from the current mixed zoning. The proposed change includes this property (SBL 150.01-1-19.11) being rezoned to Light Commercial (CO-1) for the entirety of the parcel.

Supervisor Maerten opened up the floor to public comments.

No public remarks or comments were made.

Motion made by Councilman Leible, seconded by Councilman Lombardo, to close the Public Hearing at 6:57 p.m. Motion carried.

REGULAR MEETING

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 Hickman	Absent
Councilman Leible	Present
Councilman Lombardo	Present

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
Miranda Freiart - Assessor
Patrick Covell - Recreation Director

There were 27 residents in attendance, nine of whom were Starpoint students.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

The following amendments were made to the agenda:

- Add – Amend Resolution 262-24
- Delete – Approval of Meeting Minutes
- Delete – Approval of Engagement Letter

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

No public remarks or comments were made on the agenda items.

ROUTINE BUSINESS

RESOLUTION 86-25

ABSTRACT #3

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of February 2025, to authorize payment of Voucher Abstract #3, Vouchers #25-00051 to #25-00089, to be paid on February 12, 2025, as follows:

General Fund	\$	18,625.77
Highway	\$	11,909.44
Capital Fund	\$	2,592.00
Sewer	\$	1,533.89
Water	\$	3,122.20
Total	\$	37,783.30

OTHER REPORTS

Supervisor Maerten did not have the report for the current sales tax. He stated that it will be reported at the February 24, 2025 Work Session.

Councilman Leible noted an error in the newsletter article schedule, stating that the due date for Spring articles should be February 15th, not March 15th. He also reported that he recently completed the annual audit for the Honorable Judge Mack and will be submitting the finalized paperwork soon.

Councilman Lombardo reported that he conducted the annual audit for the Honorable Judge Ostrowski and is also working on the Water/Sewer audit.

Councilman Buechler had nothing to report.

Attorney Joerg began by commending the Highway Department for their outstanding work in keeping the town roads clean and safe. He also noted that he is collaborating with Engineer Britton to address an issue related to the Community Center construction and Niagara Pole Barn, with hopes of reaching a resolution soon.

Engineer Britton had nothing to report.

DEPARTMENT HEADS

Town Clerk Maurer reported that monthly reports were received from the Assessor, Building Inspector/Code Enforcement Officer, and the Town Engineer. These reports, along with the monthly reports for the Tax collection, Town Clerk and Water/Sewer collection, were posted online with the agenda documents.

Next, Mrs. Maurer informed the Board of the following monies received and collected in the month of January:

Total State, County and Local Revenues	\$	46,369.23
Water/Sewer Collection	\$	50,847.85
Tax Collection	\$	7,294,677.67

She also reported that weekly disbursements to the Town were made throughout January until the full amount of \$1,697,040.28—the Town’s portion of the 2025 Tax Warrant—was satisfied. Additionally, a first installment of \$4,000,000.00 was paid to Niagara County. Lastly, Mrs. Maurer read an email from a resident expressing gratitude to the Highway Department for their efforts in plowing and salting the roads this season.

Highway and Water/Sewer Superintendent Fischer reported that his department has been busy snowplowing and salting the roads throughout the past month. He also stated that he is in the process of compiling updated information for residents, which will be posted on the Town’s website.

Building Inspector Diedrich mentioned that he recently participated in the Niagara Frontier Building Officials' annual education conference in Buffalo. He described it as an engaging event where he gained insights into the latest developments and upcoming revisions to the NYS Uniform Fire Prevention and Building Code.

Assessor Friert had nothing to report.

Recreation Director Covell reported that he and Town Clerk Maurer recently completed the second Edmunds GovTech training for the new Parks & Recreation online registration program. He stated that the goal is to launch the first phase of the website by mid-next month, allowing residents to create their customer profiles.

NEW BUSINESS

RESOLUTION 87-25

APPROVE REZONING APPLICATION

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

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

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 this specific parcel.

WHEREAS, a public hearing was scheduled and advertised for February 10, 2025 for the requested property rezoning.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of February 2025, that the request to rezone a specific property on Campbell Boulevard (SBL 150.01-1-19.11) from the current mixed zoning to Light Commercial (CO-1) for the entirety of the parcel is approved. This resolution shall take effect immediately.

RESOLUTION 88-25

AWARD COMMUNITY CENTER RFP BID

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Town Board of the Town of Pendleton did approve the advertisement of a Request for Proposals for Town Network Infrastructure Installation and Update by resolution on January 13, 2025; and

WHEREAS, the Request for Proposals was advertised and bids received by the deadline of February 4, 2025 were opened, reviewed, and communicated to the Town Board; and

WHEREAS, it is recommended to accept the lowest cost responsive proposal received for this work.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of February 2025, that proposal for Town Network Infrastructure Installation and Update received from Armored Alarm for \$41,138.00 is accepted. This resolution shall take effect immediately.

RESOLUTION 89-25

AUTHORIZE RFP FOR HIGHWAY GARAGE DOOR

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Town Board of the Town of Pendleton did approve the advertisement of a Request for Proposals for Highway Garage Overhead Door Replacement by resolution on January 27, 2025; and

WHEREAS, the Request for Proposals was not advertised in a timely manner as detailed in the authorizing resolution; and

WHEREAS, it is necessary to reauthorize advertisement of this resolution with appropriate dates.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of February 2025, that advertisement of the Requests for Proposals for Highway Garage Overhead Door Replacement is authorized as detailed in the attached Request for Proposals.

FURTHER, BE IT RESOLVED, that the Requests for Proposals will be made available on February 11, 2025 and all proposals are to be submitted to the Town Clerk by 3:00 pm local time on March 4, 2025, with the proposals publicly opened and read aloud at 3:05 pm. This resolution shall take effect immediately.

RESOLUTION 90-25

APPROVE HEALTH INSURANCE DECLINATION STIPEND

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, full-time employees of the Town of Pendleton not subject to a Collective Bargaining Agreement are eligible for health insurance coverage paid for by the Town; and

WHEREAS, such employees eligible for health insurance offered by the Town of Pendleton may choose to decline this coverage due to existing coverage available through a spouse or otherwise; and

WHEREAS, employees declining health insurance coverage provides substantial savings to the Town of Pendleton.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of February 2025, that employees declining health insurance coverage for the 2025 calendar year shall be paid a \$1,000.00 stipend in the last pay cycle of 2025, provided eligible employees sign and return a declination of health insurance form prior to March 1, 2025.

FURTHER, BE IT RESOLVED, that this resolution shall only apply to employees not represented by a Collective Bargaining Agreement. This resolution shall take effect immediately.

RESOLUTION 91-25

APPROVE EXPENDITURE FOR HYDRAULIC SUPPLIES

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of February 2025, that the expenditure for hydraulic fittings and hoses from Fitzsimmons Hydraulics for \$2,102.27 is authorized. This resolution shall take effect immediately.

RESOLUTION 92-25

APPROVE NIAGARA COUNTY CONTRACT – INFORMATION TECHNOLOGY

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Town of Pendleton and Niagara County entered into a Municipal Cooperation Agreement for Niagara County to provide certain information technology services and assistance for the period on or about November 5, 2018 through December 21, 2019; and

WHEREAS, this specific Municipal Cooperation Agreement was renewed each successive year from inception through December 31, 2024; and

WHEREAS, it is prudent and necessary to renew this agreement between the Town of Pendleton and Niagara County for the calendar year 2025.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of February 2025, that the Municipal Cooperation Agreement between the Town of Pendleton and Niagara County for certain information technology services and assistance shall be approved for one (1) year commencing on January 1, 2025 and continuing through December 31, 2025. This resolution shall take effect immediately.

RESOLUTION 93-25

APPROVE NIAGARA COUNTY CONTRACT – YOUTH DEVELOPMENT PROGRAM

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

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of February 2025, that the contract between Niagara County and the Town, as presented, is approved.

FURTHER, BE IT RESOLVED, that the Supervisor is authorized to sign the approved contract. This resolution shall take effect immediately.

RESOLUTION 94-25

APPROVE UPDATES SUMMER RECREATION POSTINGS

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

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

WHEREAS, the Town Board of the Town of Pendleton approved the posting of multiple positions for the Summer Recreation Program on January 13, 2025; and

WHEREAS, it is necessary to update the posting.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of February 2025, that the Town Clerk is authorized to advertise for the following Summer Recreation Program positions with the updated posting, as presented to the Town Board:

- A) Swimming Pool Director
- B) Lifeguard
- C) Recreation Leader
- D) Assistant Recreation Director

FURTHER, BE IT RESOLVED, that rates of compensation shall be established by resolution at a future date or at time of appointment of candidates. This resolution shall take effect immediately.

RESOLUTION 95-25

APPOINTMENT TO RECREATION COMMITTEE

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of February 2025, that Michael Argentieri is reappointed to the Recreation Committee for a term that ends December 31, 2030. This resolution shall take effect immediately.

RESOLUTION 96-25

APPROVAL OF COMPENSATION – SUMMER RECREATION DIRECTOR

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

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

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of February 2025, that Summer Recreation Director Monica Wall shall be compensated at rate of \$10,860.00 for work through December 31, 2025. This resolution shall take effect immediately.

Acceptance of Engagement Letter: This agenda item was tabled until the February 24, 2025 Work Session.

RESOLUTION 97-25

AUTHORIZE CAPITAL PROJECT

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

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

WHEREAS, the Town of Pendleton owns and maintains a park property located at the intersection of Tonawanda Creek Road and Oakwood Drive known as Depeau Park; and

WHEREAS, the Town of Pendleton owns and maintains a park property on Campbell Boulevard, adjacent to the Town Hall, known as the Town Park; and

WHEREAS, both identified parks include paved and fenced areas for activities that include tennis and roller hockey; and

WHEREAS, these paved recreation areas in Depeau Park and the Town Park require maintenance including, but not limited to, resurfacing and restriping; and

WHEREAS, it is appropriate to approve a Park Recreation Area Improvement Project to initiate the process of planning, design, bidding, and construction related to the maintenance and improvement of these identified recreation areas.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of February 2025, that the initiation of the Park Recreation Area Improvement Project is approved.

FURTHER, BE IT RESOLVED, that the Supervisor is authorized to begin efforts to present to the Town Board proposals of all-aspects of work necessary for the Park Recreation Area Improvement Project. This resolution shall take effect immediately.

RESOLUTION 98-25

APPROVE STANDARD WORK DAY RESOLUTION - NYSLRS

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton/30384, on this 10th day of February 2025, hereby established the following standard work days for the title listed below and will report this official to the New York State and Local Retirement based on his record of activities:

NAME	TITLE	CURRENT TERM	STANDARD WORK DAY	RECORD OF ACTIVITIES RESULTS	NOT SUBMITTED	PAY FREQUENCY	TIER 1
Elected Officials: NONE							
Appointed Officials:							
Patrick Covell	Recreation Director	3/11/2024 – 12/31/2025	8	8.28		Bi-Weekly	No

RESOLUTION 99-25

AMEND RESOLUTION 262-24 FROM OCTOBER 2024

Motion by Councilman Lombardo, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 10th day of February 2025, to amend RESOLUTION 262-24, from the October 15, 2024 meeting minutes to read as follows:

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo

Nays 0

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 15th day of October 2024, that the Assessor is authorized to relevy the following charges to the 2025 Town Tax Bill:

Total Unpaid Water: \$32,843.79

*Total Unpaid Sewer: **\$13,218.46***

*Total Unpaid Refuse: **\$1,091.20***

Total Town Charge: \$0.00

TOTAL CHARGES: \$47,153.45

This resolution shall take effect immediately.

PUBLIC REMARKS/COMMENTS

A resident suggested that the 2025 budget be amended to account for the expected increase in water and sewer revenue following the recent rate adjustments.

Another resident expressed appreciation for the Highway Department's efforts in maintaining clean roads throughout the winter season.

The final resident thanked the Board for obtaining legal guidance during the Public Hearing portion of the meeting.

No further public remarks or comments were made.

Councilman Lombardo added that the Wendelville Fire Company will be hosting a CPR class on March 13, 2025, at 7:00 p.m. The public is invited to enroll in this class at a cost of \$45.00 per person. Councilman Lombardo stated that he will provide Town Clerk Maurer with additional information to post about this event.

Supervisor Maerten has announced the following upcoming meetings:

- Town Board Work Session: February 24, 2025, at 7:00 p.m.
- Town Board Regular Meeting: March 10, 2025, at 7:00 p.m.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Regular Meeting at 7:25 p.m. Motion carried.

Deborah K. Maurer, Town Clerk

PENDING APPROVAL