

PENDLETON TOWN BOARD
REGULAR MEETING
March 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 March 10, 2025, at 7:00 p.m.

Supervisor Maerten called the meeting to order at 7:05 p.m.

Supervisor Maerten led the invocation and the Pledge of Allegiance.

Roll Call:

Supervisor Maerten	Present
Councilman Buechler	Present
Councilman Hickman	Present
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 Freiert - Assessor
Patrick Covell - Recreation Director
Mark Walter – Deputy Supervisor

There were 13 residents in attendance, five of whom were Starpoint students.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

The following amendments were made to the agenda:

- Delete #18 – Resolution Affirming Determination of Town Board
- Delete – Approval of Minutes
- Add – Wendelville Fire Company New Members

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident submitted written comments on the current agenda items to the Town Board and the Town Clerk. In her submission, she requested information regarding the amount and allocation of unexpended General Fund funds. Additionally, she sought clarification on the discrepancies in the estimates provided for vegetation control services.

There were no additional comments from the public.

ROUTINE BUSINESS

RESOLUTION 106-25

ABSTRACT #3

Motion by Councilman Leible, seconded by Councilman Lombardo, 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 10th day of March 2025, to authorize payment of Voucher Abstract #5, Vouchers #25-00138 to #25-00211 to be paid on March 12,2025, as follows:

General Fund	\$	456,712.31
Highway	\$	11,707.39
Sewer	\$	3,684.38
Water	\$	5,927.95
Total	\$	478,032.03

OTHER REPORTS

Supervisor Maerten reported that the tax collected for December 2024 was \$238,942.11. This is a decrease of \$8,864.84 when compared with December 2023. The total tax collected for 2024 was \$2,477,896.61 which is a decrease of \$4,518.33 from 2024.

He also reported that the tax collected for January 2025 was \$205,566.36 which is a decrease of \$4,931.88 when compared with January 2024. The year to date received is \$205,566.36 which is also a decrease of \$4,931.88 from 2024.

Councilman Leible reported that the 2024 Annual Audit for the Honorable Kevin Mack. He noted that all of the documents inspected were in good shape and the numbers reported were accurate. Mr. Leible also stated that he has been working on the contract for the July 4th fireworks display which will be voted on later in the meeting.

Councilman Hickman did not have any updates to report.

Councilman Lombardo also had no updates to share.

Councilman Buechler mentioned that he is nearing completion of the slate of candidates for the Town's Ethics Committee and will soon present his recommendations to the Town Board for approval.

Attorney Joerg did not have any reports to present.

Engineer Britton provided an update on bids received in the fall for the concrete work needed for the Community Center egress. The Board had previously postponed the project due to winter weather, but he now recommends moving forward.

He also announced that the draft of the annual Storm Water Management Program (SWMP) report is ready for public review and requested that the Town Clerk post it on the website and make it available for public comment.

Additionally, Mr. Britton reported that he met with the Planning Board and the 2025 Comprehensive Plan Steering Committee to discuss the plan's results, goals, and objectives. He will share their feedback with the Town Board.

Lastly, he noted that he is collaborating with Highway Superintendent Fischer on the manhole lining project as part of the Town's 2024 infiltration and inflow initiative, which will be coordinated with the 2025 efforts.

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 February:

Total State, County and Local Revenues	\$	16,623.08
Water/Sewer Collection	\$	97,883.55
Tax Collection	\$	563,512.47

She also stated that the weekly disbursements to the Town in February were for penalties paid in the amount of \$1,398.05. Additionally, a second installment of \$1,800,000.00 was recently paid to Niagara County.

She reminded residents that tax collection in Pendleton ends on March 31, 2025. Any unpaid tax bills after that date will be turned over to the Niagara County Treasurer's Office.

Highway and Water/Sewer Superintendent Fischer agreed with Engineer Britton's recommendation to move forward with the egress project before the cost of concrete increases.

Building Inspector Diedrich did not have any updates to report.

Assessor Friert reported that the taxable status date was March 1st, meaning she can no longer accept property tax exemption applications. She noted that once the exemption processing is complete, she will begin preparing the tentative tax roll.

Recreation Director Covell stated that he and Town Clerk Maurer are continuing to develop the new Parks & Recreation online program. He also noted that he is working with Summer Recreation Program Director Monica Wall on preparations for this year's program.

NEW BUSINESS

RESOLUTION 107-25

MODIFICATION OF FUA PROCEDURES

Motion by Councilman Buechler, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

WHEREAS, the Town Board of the Town of Pendleton did approve by resolution a Facilities Usage Agreement (FUA) on February 22, 2022; and

WHEREAS, the approving resolution made the following requirements for the usage of Facilities Usage Agreements:

- A) All facilities usage agreements shall be submitted to the Town Board for final approval by resolution.
- B) Insurance requirements stipulated for each use may be modified, in consultation with the Town Attorney and the Town's insurance agent, based upon the proposed usage detailed in the submitted facilities usage agreement.
- C) No activities shall take place prior to final Town Board approval.
- D) Usage by outside groups is limited to outdoor spaces (e.g. ball diamonds and park spaces), the Town Hall Meeting Room, and park pavilions.
- E) The Town Board may require specific fees for proposed activities that present an undue expense to the Town, such as payment to Town employees working outside of regularly scheduled work schedules.

WHEREAS, the Town created a position of Recreation Director with the intent that the incumbent in this position would assume multiple duties related to recreational use of Town-owned facilities; and

WHEREAS, the Recreation Director has been charged with reviewing and recommending for approval all Facilities Usage Agreements; and

WHEREAS, it is recommended that the procedures for approval of Facilities Usage Agreements be modified to account for the duties and oversight of the Recreation Director.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of March 2025, that the Facilities Usage Agreement (FUA) procedures are modified as follows:

- A) All facilities usage agreements meeting the approved requirements for insurance coverage and that are complete in all areas may be approved by the Recreation Director and Supervisor in concurrence.
- B) Insurance requirements stipulated for each use may be modified, in consultation with the Town Attorney and the Town's insurance agent, based upon the proposed usage detailed in the submitted facilities usage agreement. Such requests require Town Board approval by resolution.

This resolution shall take effect immediately.

RESOLUTION 108-25

APPROVAL OF FUA – STARPOINT CENTRAL SCHOOLS

Motion by Councilman Leible, seconded by Councilman Buechler, 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 10th day of March 2025, that the Facilities Usage Agreement (FUA) submitted by Starpoint Central School District for facilities usage on June 20 and June 23, 2025 is approved; and

FURTHER, BE IT RESOLVED, that in the event of unforeseen circumstances, such as inclement weather, that necessitate a reschedule of dates, the Recreation Director is authorized to approve these dates should there be no conflicts with newly proposed dates; and

FURTHER, BE IT RESOLVED, that all fees associated with Starpoint Central Schools usage of Town properties are waived for the proposed activities.

This resolution shall take effect immediately.

RESOLUTION 109-25

APPROVAL OF FUA – PENDLETON CENTER UNITED METHODIST CHURCH

Motion by Councilman Lombardo, 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 10th day of March 2025, that the Facilities Usage Agreement (FUA) submitted by Pendleton Center United Methodist Church (PCUMC) for facilities usage on June 2, 2025. This resolution shall take effect immediately.

RESOLUTION 110-25

APPROVAL OF CONTRACT FOR PORTABLE TOILET SERVICES

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

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

Nays 0

WHEREAS, each summer the Town of Pendleton arranges for the placement of portable toilets at various recreational areas in the Town for the convenience of the public; and

WHEREAS, multiple quotes were solicited for portable toilet services; and

WHEREAS, the following quotes were received for portable toilets:

Julie's Portable Toilets: \$3,712.50

Modern Portable Toilet Services: \$2,250.00

Grand Island Waste: \$2,375.00

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of March 2025, that the quote provided by Modern Portable Toilet Services is authorized for an expenditure not to exceed \$2,250.00 for service from May through September.

FURTHER BE IT RESOLVED, at the discretion of the Recreation Director, that the portable toilets may be ordered in April and October, should the weather require, at an approved rate of \$450.00 per month.

This resolution shall take effect immediately.

RESOLUTION 111-25

DESIGNATION OF NEW STREET NAME

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

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

Nays 0

WHEREAS, a major subdivision has been proposed to the Planning Board of the Town of Pendleton that includes the construction of a new road that connects to Campbell Boulevard; and

WHEREAS, this proposed project is located at property SBL 136.00-1-46.12 on the east side of Campbell Boulevard, north of the intersection with Feigle Road; and

WHEREAS, the owner or owner's representative has proposed that the name for the new road to be Garrett's Way; and

WHEREAS, the Planning Board has requested final approval of the new street name by the Town Board.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of March 2025, that the street name of Garrett Way for a road to be constructed on property SBL 136.00-1-46.12 is approved.

This resolution shall take effect immediately.

RESOLUTION 112-25

APPOINTMENT OF CONSERVATION ADVISORY COUNCIL MEMBERS

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 10th day of March 2025, that Angie Gilbert, Robert Gilbert, Tobias Fronmuller are hereby appointed to the Conservation Advisory Council for a term that expires on December 31, 2025. This resolution shall take effect immediately.

RESOLUTION 113-25

APPROVAL FOR TOWN CLERK TO ATTEND NYSTCA CONFERENCE

Motion by Councilman Leible, seconded by Councilman Lombardo, 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 10th day of March 2025, to approve the Town Clerk's request to travel to the New York State Town Clerk's Association Annual Conference in Syracuse, NY, as presented to the Town Board.

RESOLUTION 114-25

AUTHORIZATION OF BUDGET TRANSFER

Motion by Councilman Lombardo, 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 10th day of March 2025, that a budget transfer of \$340,000.00 from General Fund Balance to BAN - Principal (A9730.601) is approved. This resolution shall take effect immediately.

Next, a discussion took place regarding the significant disparity in the quotes submitted for vegetation control services. Highway Superintendent Fischer explained that the request for services was identical for all bidders, and he was unsure why one quote was significantly higher than the others.

RESOLUTION 115-25

APPROVAL OF CONTRACT FOR VEGETATION CONTROL

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

ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

WHEREAS, three (3) quotes for application of vegetation controlling products were received as follows:

Deering Landscape Contractors, Inc.: \$1,755.00
Dore Landscape Associates, Inc.: \$8,100.00
Turf Tec of WNY, Inc.: \$1,915.98

WHEREAS, it is recommended to approve the lowest cost quote received for this work.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of March 2025 that the quote received from Deering Landscape Contractors, Inc. for \$1,755.00 is approved. This resolution shall take effect immediately.

RESOLUTION 116-25

APPOINTMENT OF PART-TIME PARK ATTENDANT

Motion by Councilman Leible, seconded by Councilman Lombardo, 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 10th day of March 2025, that Jeffrey Bruce is appointed Park Attendant, a seasonal (3) three-month position, at a rate of compensation of \$19.75 per hour. This resolution shall take effect immediately.

RESOLUTION 117-25

APPOINTMENT OF PART-TIME LABORER (1 OF 2)

Motion by Councilman Leible, seconded by Councilman Lombardo, 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 10th day of March 2025, that Craig Walter is appointed to the position of seasonal Laborer, reporting to the Highway Department, at a rate of compensation of \$21.85 per hour. This resolution shall take effect immediately.

RESOLUTION 118-25

APPOINTMENT OF PART-TIME LABORER (2 OF 2)

Motion by Councilman Leible, seconded by Councilman Lombardo, 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 10th day of March 2025, that Richard Albert is appointed to the position of seasonal Laborer, reporting to the Highway Department, at a rate of compensation of \$21.85 per hour. This resolution shall take effect immediately.

RESOLUTION 119-25

AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSAL – GARAGE DOOR

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was ADOPTED: Ayes 5 Maerten, Buechler, Hickman, Leible, Lombardo
Nays 0

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, 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 February 10, 2025; and

WHEREAS, no proposals were submitted by the advertised deadline; and

WHEREAS, it is necessary to reauthorize advertisement of this Request for Proposals.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of March 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 March 11, 2025 and all proposals are to be submitted to the Town Clerk by 3:00 pm local time on April 9, 2025, with the proposals publicly opened and read aloud at 3:05 pm.

This resolution shall take effect immediately.

RESOLUTION 120-25

EXPENDITURE FOR FURNACE REPAIR

Motion by Councilman Lombardo, seconded by Councilman Leible, 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 10th day of March 2025, that the expenditure of \$4,332.77 for furnace repair performed by Montgomery Heating & Cooling is approved. This resolution shall take effect immediately.

RESOLUTION 121-25

ACCEPTANCE OF TOWN JUSTICE MACK AUDIT

Motion by Councilman Lombardo, seconded by Councilman Buechler, 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 10th day of March 2025, that the audit of Justice Mack for 2024, as presented, is accepted. This resolution shall take effect immediately.

RESOLUTION 122-25

ACCEPTANCE OF TOWN JUSTICE OSTROWSKI AUDIT

Motion by Councilman Leible, seconded by Councilman Lombardo, 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 10th day of March 2025, that the audit of Justice Ostrowski for 2024, as presented, is accepted. This resolution shall take effect immediately.

Councilman Leible explained that quotes were requested from Skylighters of New York LLC, Pyrotechnics, and Zambelli Fireworks International for the July 4th Celebration. He stated that Pyrotechnics did not respond and Zambelli was not available on July 4th.

RESOLUTION 123-25

APPROVAL OF CONTRACT FOR FIREWORKS

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

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

Nays 0

WHEREAS, the Town of Pendleton has for many years celebrated Independence Day with a fireworks display; and

WHEREAS, multiple fireworks contractors were requested to provide proposals for the July 4, 2025 fireworks show; and

WHEREAS, it is recommended to the Town Board that a new contract for the July 4, 2025 fireworks presentation be accepted pending approval of the Town Attorney.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 10th day of March 2025, that the contract for the July 4, 2025 fireworks display in the Town Park is awarded to Skylighters of New York LLC for \$20,625.00, pending final approval of the Town Attorney.

FURTHER, BE IT RESOLVED, the Town Supervisor is authorized to sign contracts.

Affirmation of Determination of Town Board

This agenda item was tabled until further notice.

RESOLUTION 124-25

WENDELVILLE FIRE COMPANY NEW MEMBERS

Motion by Councilman Leible, seconded by Councilman Buechler, 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 10th day of March 2025, to accept the following individuals as new members of the Wendelville Fire Company:

Joseph Misztal of Macintosh Lane
Michael Misztal of Macintosh Lane
Lynn Johnson-Farley of Tonawanda Creek Road
Steven Trippensee of Sheetram Road

PUBLIC REMARKS/COMMENTS

A resident of Sheetram Road thanked the Board for addressing her questions at the start of the meeting. She also expressed appreciation to Councilmen Leible and Lombardo for their thorough work on the Town Justice audits.

Another resident inquired about the status of a Special Use Permit application discussed at the last two meetings. Supervisor Maerten explained that while a resolution was planned for today's meeting, further revisions are needed. He noted that it will be presented at an upcoming meeting.

No further public remarks or comments were made.

Supervisor Maerten has announced the following upcoming meetings:

- Tentative Town Board Work Session: No meeting is currently scheduled for March 24, 2025.
- Town Board Regular Meeting: Scheduled for April 14, 2025, at 7:00 p.m.

Motion by Councilman Leible, seconded by Councilman Hickman, to adjourn from the Regular Meeting at 7:49 p.m. Motion carried.

Deborah K. Maurer, Town Clerk