

TOWN OF PENDLETON
WORK SESSION
April 28, 2025

A Work Session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 28th day of April, 2025 at 7:00 p.m. The meeting was open to the public.

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

Supervisor Maerten, Councilman Buechler, Councilman Leible and Councilman Lombardo were present. Councilman Hickman was absent.

Also present:

- Noreen Lemma – Deputy Town Clerk
- Dave Fischer – Highway/Water & Sewer Superintendent
- Claude Joerg – Town Attorney
- Dave Britton – Town Engineer
- Ron Diedrich – Building Inspector
- Mark Walter – Deputy Town Supervisor
- Patrick Covell – Recreation Director

There were two residents in attendance.

RESOLUTION 137-25
MEETING MINUTES – APRIL 9, 2025

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 28th day of April 2025, that the meeting minutes for the Regular Meeting held on April 9, 2025, are approved as presented by Deputy Town Clerk Lemma.

RESOLUTION 138-25
ABSTRACT #7

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 28th day of April 2025, to authorize payment of Voucher Abstract #7, Vouchers #25-00259 to #25-00326, which was paid on April 16, 2025 as follows:

General Fund	\$	35,804.83
Highway	\$	11,494.48
Capital Funds	\$	69,377.99
Fire District	\$	3,195.00
Sewer	\$	5,402.39
Water	\$	4,681.15
Total	\$	129,955.84

RESOLUTION 139-25
ABSTRACT #8

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 28th day of April 2025, to authorize payment of Voucher Abstract #8, Vouchers #25-00327 to #25-00398, to be paid on April 30, 2025 as follows:

General Fund	\$	32,835.07
Highway	\$	29,051.63
Capital Funds	\$	907.00
Refuse	\$	49,421.30

PENDING APPROVAL

Sewer	\$	3,395.71
Water	\$	1,325.09
Total	\$	116,935.80

RESOLUTION 140-25
SCHEDULE PUBLIC HEARING FOR PROPOSED REZONING

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 Planning Board of the Town of Pendleton voted at the April 15, 2025 meeting to recommend the rezoning of 7235 Campbell Boulevard from a mixed zoning of Light Commercial and Residential to Light Commercial for the entirety of the parcel; and

WHEREAS, it is appropriate to schedule a public hearing for consideration of this recommendation.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28th day of April 2025, that a public hearing is scheduled for May 12, 2025 at 6:55 pm to consider the application to change the mixed zoning of 7235 Campbell Boulevard (SBL 165.00-2-3) from mixed Light Commercial (CO-1) and Residential (R-2) to Light Commercial (CO-1) for the entirety of this parcel. This resolution shall take effect immediately.

RESOLUTION 141-25
MODIFICATION OF ACCEPTANCE OF PROPOSAL FOR CONCRETE WORK

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 accepted a proposal for concrete work at the April 9, 2025 meeting for a cost not to exceed \$23,100.00; and

WHEREAS, the approved resolution included a typographical error which misstated the actual quoted cost; and

WHEREAS, it is appropriate to adopt a successive resolution rectifying the misstatement of the project cost.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28th day of April 2025, that the quote received from Hy-Tech Concrete is approved for \$23,190.00. This resolution shall take effect immediately.

RESOLUTION 142-25
ACCEPTANCE OF QUOTE FOR GARAGE DOOR REPLACEMENT

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 authorized the advertisement of a Request for Proposals on March 10, 2025 for the replacement of a Highway Garage overhead door; and

WHEREAS, the Request for Proposals was advertised, proposals were received by the advertised deadline, and the results were communicated to the Town Board by the Town Clerk; and

WHEREAS, the proposals received are as follows:

Adam’s Door Company, Inc.:	\$13,304.50
Hamburg Overhead Door, Inc.:	\$13,516.00
Precision Door:	\$12,245.00
R&R Door Corp.:	\$16,375.00

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

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28th day of April 2025, that the proposal received from Precision Door for \$12,245.00 is approved. This resolution shall take effect immediately.

RESOLUTION 143-25

MODIFICATION OF APPOINTMENT TO POSITION

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 at the March 10, 2025 meeting approved the appointment of Jeffrey Bruce as Park Attendant, a seasonal three (3) month position; and

WHEREAS, it has been recommended to amend the duration of this seasonal appointment.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28th day of April 2025, that the appointment of Jeffrey Bruce to the position of Park Attendant, a seasonal (3) three-month position, is rescinded.

FURTHER, BE IT RESOLVED, that Jeffrey Bruce is appointed Park Attendant, a seasonal six (6) month position, at a rate of compensation of \$19.75 per hour. This resolution shall take effect immediately.

RESOLUTION 144-25

ACCEPTANCE OF ENGAGEMENT LETTER

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 28th day of April 2025, that the engagement letter provided by Hodgson Russ for continued consultation related to enforcement of the Town Code is accepted. This resolution shall take effect immediately.

RESOLUTION 145-25

AUTHORIZATION FOR REPAIR OF PLAYGROUND SURFACES

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 28th day of April 2025, that the proposal received from Play Surface Specialties for the repair of playground surfacing in the Town Park in the amount of \$23,976.00 is accepted. This resolution shall take effect immediately.

RESOLUTION 146-25

AUTHORIZATION OF GRANT APPLICATION

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

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

RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATION FOR THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATIONS' MUNICIPAL PARKS AND RECREATION GRANT PROGRAM (MPR)

WHEREAS, the Town of Pendleton endeavors to provide access to diverse recreational opportunities, community gathering spaces, and modern amenities for its residents and visitors of all ages and abilities; and

WHEREAS, the Town of Pendleton has an occupancy permit and agreement with the New York State Canal Corporation to operate and maintain approximately 8.5 acres of public land for recreational purposes at Depeau Park, located on the west side of the Erie Canal at the corner of Oakwood Drive and Tonawanda Creek Road; and

WHEREAS, the Town of Pendleton has developed, in collaboration with Peter J. Smith and company, inc. a Master Plan for the Pendleton town park system that contains recommendations for the most effective use of the properties that will maximize recreational and environmental values; and

WHEREAS, the Town Board of the Town of Pendleton adopted an addendum to its Town Parks Master Plan in 2021 containing updated recommendations for the improvement of its municipal parks, including Depeau Park; and

WHEREAS, the Depeau Park Restoration and Improvement Project represents a unique opportunity for the Town of Pendleton to enhance community gathering spaces and popular recreational facilities; and

WHEREAS, the Depeau Park Restoration and Improvement Project involves the restoration of tennis and roller hockey courts, replacement of perimeter fencing, and construction of an ADA-accessible shelter; and

NOW, THEREFORE, BE IT RESOLVED, that Joel Maerten, Supervisor of the Town of Pendleton, is hereby authorized and directed to file an electronic Consolidated Funding Application through the New York State Office of Parks, Recreation and Historic Preservations' Municipal Parks and Recreation Grant Program (MPR), in an amount no less than 90% of the approved funding and, upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the Depeau Park Restoration and Improvement Project.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pendleton hereby re-affirms the Pendleton Town Parks Master Plan of 2007 (addendum adopted May 2021).

RESOLUTION 147-25

APPOINTMENT OF INDIVIDUALS FOR SUMMER RECREATION 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

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 January 13, 2025 meeting; and

WHEREAS, the Summer Recreation Program postings were updated by resolution on February 10, 2025; 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 28th day of April 2025, that the following compensation rates are approved for multiple position titles for the Summer Recreation Program:

Swimming Pool Director:	\$27.00 per hour
Lifeguard (New Hire):	\$17.68 per hour
Lifeguard (Returning Hire):	\$18.00 per hour
Recreation Leader (New Hire):	\$16.00 per hour
Recreation Leader (Returning Hire):	\$16.64 per hour
Assistant Recreation Director (New Hire):	\$19.00 per hour
Assistant Recreation Director (Returning Hire):	\$19.76 per hour

FURTHER, BE IT RESOLVED, that the following appointments for the Summer Recreation program are approved upon approval of Niagara County civil service applications:

Beckman, Madison	Recreation Leader
Buttitta, Iliana	Recreation Leader
Carrie, Ciralo	Swimming Pool Director
Chronister, Hannah	Lifeguard
Culligan, Spencer	Recreation Leader

Foulis, Jaclyn	Assistant Recreation Director
Hathaway, Brady	Recreation Leader
Hunt, Jenna	Recreation Leader
Kanel, Jenna	Recreation Leader
Keelty, Liam	Recreation Leader
Lobaugh, Sydney	Recreation Leader
Lukasik, Timothy	Recreation Leader
Marriner, Norah	Recreation Leader
Mikulski, Michael	Recreation Leader
Milleville, Tyler	Recreation Leader
Moeller, Arden	Recreation Leader
Mugler, Malea	Lifeguard
Ostrowski, Tessa	Recreation Leader
Preisch, Benjamin	Recreation Leader
Schmidt, Maddie	Recreation Leader
Swanson, Olivia	Recreation Leader
Trimble, Payton	Lifeguard
Vieaux, Emilie	Recreation Leader

FURTHER, BE IT RESOLVED, that all individuals appointed to the titles of Swimming Pool Director and Lifeguard are obligated to provide documentation attesting to fulfillment of all requirements of the position prior to the start of the Summer Recreation program. Such documentation must detail that the position requirements are valid during the entire scheduled dates of the Summer Recreation Program. Any person appointed to the titles of Swimming Pool Director or Lifeguard not meeting these requirements prior to the start of the Summer Recreation Program shall be terminated immediately.

This resolution shall take effect immediately.

RESOLUTION 148-25

MODIFICATION OF PROPOSED INFLOW AND INFILTRATION 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, residents and property owners of the Town of Pendleton rely on the sewer system infrastructure maintained by the Town of Pendleton Water & Sewer Department; and

WHEREAS, limiting infiltration and inflow into the sewer system maintained by the Town of Pendleton assists in reducing the cost of system operation; and

WHEREAS, the Niagara County Sewer District annually provides funding to member towns for projects which reduce system infiltration and inflow; and

WHEREAS, a proposal for a Town of Pendleton project for 2025 was authorized by resolution at the April 9, 2025 meeting of the Town Board; and

WHEREAS, the authorized project detailed a reimbursable cost of \$20,000 and the updated allowable cost for the Niagara County Sewer District for 2025 is \$25,000; and

WHEREAS, it is appropriate to approve a resolution detailing the updated allowable cost.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 28th day of April 2025, that the proposal submitted by Nussbaumer & Clarke, Inc. is approved for an amount not to exceed \$25,000.00 for the Town’s 2025 infiltration and inflow project.

FURTHER, BE IT RESOLVED, that the Supervisor is authorized to submit this project to the Niagara County Sewer District for approval; and

FURTHER, BE IT RESOLVED, that the payment of this project cost is a reimbursable allocation of funding from the Niagara County Sewer District and will be paid by the Town of Pendleton upon completion of this work. This resolution shall take effect immediately.

RESOLUTION 149-25

AUTHORIZATION OF EXPENDITURE FOR SEWER COMPONENTS

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 28th day of April 2025, that grinder pump system components manufactured by Pentair Myers have been declared by resolution as standardized equipment for use as a component of Town-owned sewer infrastructure; and

FURTHER, BE IT RESOLVED, that Fluid Kinetics, Inc. is recognized as the sole source provider of Pentair Myers products; and

FURTHER, BE IT RESOLVED, that the Water & Sewer Department is authorized to purchase grinder pump systems and components, as detailed in provided quoted, for a cost not to exceed \$7,742.00. This resolution shall take effect immediately.

BOARD DISCUSSION

Engineer Britton reviewed the blueprints for repaving the community center parking lot to accommodate 54 cars and include a bus turnabout, with restrictions on large trucks and snowplows. Discussions covered conduit, drainage, and infrastructure, noting that landscaping is not included in this contract. Building Inspector Diedrich inquired about the project's oversight, leading to a discussion on Nussbaumer & Clark handling inspections.

Recreation Director Covell presented quotes for approved community center furniture, which includes outdoor furnishings (8 tables with umbrellas and 2 trash bins), a desk and chair for the recreation director, and indoor tables and chairs. The movable stage and lounge furniture are deferred for future consideration.

Councilman Lombardo reported that the seniors' group is nearing 501(c)(3) status and conducted a walkthrough of the community center. He also inquired about meter assignments for National Grid and NYSEG for proper billing.

Highway Superintendent Fischer mentioned the Buffalo Bomb Squad's interest in using the red building as a snack bar pending inspection, offering pre-packaged food items and branded chairs.

Engineer Britton outlined planned improvements at Depeau Park, including blacktop paving, a pavilion, courts, fencing, hockey surfacing, and signage, with consideration for adding a bathroom. Canal/Park Grants are expected to fund a significant portion.

Discussions included budget lines for the Summer Rec program. Supervisor Maerten confirmed that budget deliberations will be scheduled for the upcoming May meeting.

Supervisor Maerten emphasized the need for finalized rental agreements for the community center, including Facility Use Agreements (FUA), fee structures, and policies governing rental processes.

PUBLIC REMARKS/COMMENTS

No public remarks or comments were made.

Motion by Councilman Leible, seconded by Councilman Lombardo, to enter into an Executive Session with Deputy Town Supervisor Walter and Town Attorney Jeorg, to discuss employee matters, at 8:12 p.m. Motion carried.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Executive Session and the Work Session at 8:35 p.m. Motion carried.