

**TOWN OF PENDLETON**  
**PUBLIC HEARINGS & REGULAR MEETING**  
April 15, 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 15<sup>th</sup> day of April 2024 at 7:00 p.m.

**PUBLIC HEARINGS**

**PUBLIC HEARING #1 - PROPOSED LOCAL LAW NO. \_\_ TO ADD SUBSECTIONS TO SECTION 235-4 A GENERAL PROVISIONS OF THE PENDLETON TOWN CODE**

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on April 5, 2024 and on the Town's website.

Supervisor Maerten opened the Public Hearing at 7:02 p.m.

The purpose of this public hearing was to allow public comment on a proposed Local Law to add the following subsections (6), (7) and (8) to the Pendleton Town Code Section 235-4 A General Provisions;

- (6) The North side of Beach Ridge Road for a distance of 150 feet East from the stop sign at the approximate intersection of Beach Ridge Road and Townline Road; and
- (7) The South side of Beach Ridge Road for a distance of 375 feet East from the approximate intersection of Beach Ridge Road and Townline Road; and
- (8) The East side of Townline Road for a distance of 150 feet North from the approximate intersection of Townline Road and Beach Ridge Road.

A copy of the proposed Local Law was made available at the Pendleton Town Hall and the Town of Pendleton Website.

Councilman Lombardo stated that he did not agree with the distances that were published. He would like to take additional time to research before making a final decision on this matter. Councilman Leible agreed and suggested that a decision is tabled until further review is completed. Supervisor Maerten also agreed that the first attempt to address this situation may have gone a bit too far and needs additional analysis.

Supervisor Maerten opened up the floor to the public.

Mr. Thomas Ferlito, owner of the Country Cottage Restaurant, spoke first. He stated that the unintended consequences of the proposed parking restrictions will negatively affect his business. Mr. Ferlito provided statistical data showing anticipated loss of revenue if these changes are approved. He asked that the Town Board consider the information he presented when making a decision on the parking restrictions. He also stated that he had been working with the Building Inspector for an alternative parking solution but it would be a costly project.

Mr. Gary Gilman of Beach Ridge Road spoke in favor of the proposed parking restrictions stating that the current situation is dangerous. He spoke directly to the owners of the Country Cottage Restaurant and requested that they encourage their customers to park further down the road, away from the intersection, until an alternative plan is in place.

Further discussion took place regarding how the measurements included in the proposed local law were determined.

Supervisor Maerten explained that the intent of the proposed local law has always been to address the concerns related to the blockage of the stop signs at that intersection and stated that further review will be conducted before the next meeting.

There were no other questions or comments.

Motion made by Councilman Leible, seconded by Councilman Lombardo, to close the Public Hearing at 7:15 p.m. Motion carried.

## **PUBLIC HEARING #2 - REZONING APPLICATION - CAMPBELL BOULEVARD PARCELS**

The notice for the Public Hearing was published in the Lockport Union Sun & Journal on April 5, 2024 and on the Town's website.

Supervisor Maerten opened the Public Hearing at 7:15 p.m.

The purpose of the hearing was to allow public input on a request to rezone SBL 136.00-1-46.12 and 136.00-1-46.112 from the current mixed zoning. The proposed change includes SBL 136.00-1-46.12 being rezoned to Residential (R-2) for the entirety of the parcel and SBL 136.00-1-46.112 being rezoned to Light Commercial (CO-1) for the entirety of the parcel.

There were no public comments.

Motion made by Councilman Leible, seconded by Councilman Buechler, to close the Public Hearing at 7:21 p.m. Motion carried.

## **REGULAR MEETING**

Supervisor Maerten called the meeting to order at 7:21 p.m.

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

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  
Tom Valentine - Assessor  
Dave Fischer - Highway/Water & Sewer Superintendent  
Ron Diedrich - Building Inspector/Code Enforcement Officer  
Mark Walter - Deputy Town Supervisor

There were 33 residents in attendance, 23 of which were Starpoint students.

## **AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA**

The following changes were made to the agenda:

- Add - Appoint Recreation Committee Member
- Add - Appoint Recreation Committee Chairperson
- Add - Facilities Usage Agreement - New Life Center United Pentecostal
- Add - Schedule Public Hearing

## **PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS**

A resident asked questions about the accuracy of a budget code used on a voucher paid to the town's engineer as well as a new code created for the budget. She also inquired about agenda item #23 - Request for Grant Funding. This resident provided a written copy of her questions to the Town Board.

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

Next, Supervisor Maerten chose to start with the first agenda item under New Business honoring New York State Trooper Adam Moen.

RESOLUTION 109-24

**PROCLAMATION HONORING NYS TROOPER ADAM MOEN**

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 residents of the Town of Pendleton honor all public servants who serve to protect and faithfully respond when called to do so; and

WHEREAS, Trooper Adam Moen has served with the New York State Police since 2013 and is stationed in Troop A at NYSP Barracks Niagara, where he serves as a Field Training Officer and member of the Mobile Field Unit; and

WHEREAS, on March 27, 2024 Trooper Moen and his partner responded to a motor vehicle accident and a law enforcement patrol vehicle on fire; and

WHEREAS, Trooper Moen took immediate action, assisting the officer to safety and providing emergency care, selflessly assisting a fellow member of the law enforcement community.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton, on behalf of the citizens of this great town that Trooper Adam Moen is hereby recognized for his dedication and contributions to our community and we thank him for his service in the law enforcement.

Supervisor Maerten invited Trooper Moen and his family up to receive the official proclamation. A round of applause was given by the audience.

**ROUTINE BUSINESS**

RESOLUTION 110-24

**MEETING MINUTES - FEBRUARY 26, 2024**

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 15<sup>th</sup> day of April 2024, that the meeting minutes for the Work Session held on February 26, 2024, are approved as presented by Town Clerk Maurer.

RESOLUTION 111-24

**MEETING MINUTES - MARCH 11, 2024**

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 15<sup>th</sup> day of April 2024, that the meeting minutes for the Regular Meeting held on March 11, 2024, are approved as presented by Town Clerk Maurer.

RESOLUTION 112-24

**ABSTRACT #6**

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 15<sup>th</sup> day of April 2024, to authorize payment of Voucher Abstract #6, Vouchers #24-00255 to #24-00307 which was paid on March 27, 2024 as follows:

General	\$	14,926.08
Highway	\$	19,586.15

Capital	\$	276,250.84
Refuse	\$	46,494.84
Sewer	\$	577.85
Water	\$	46.00
Total	\$	357,881.76

RESOLUTION 113-24

**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 15<sup>th</sup> day of April 2024, to authorize payment of Voucher Abstract #7, Vouchers #24-00308 to #24-00375 which was paid on April 10, 2024 as follows:

General	\$	47,721.51
Highway	\$	12,676.36
Sewer	\$	2,304.89
Water	\$	9,513.96
Total	\$	72,216.72

**OTHER REPORTS**

**Supervisor Maerten** reported that the sales tax collected for February 2024 was \$180,658.80. This is an increase of \$2,804.69 compared with February 2023. The year to date received is \$391,157.04 which is an increase of \$9,679.81 from 2023.

**Councilman Leible** stated that the deadline dates for submitting newsletter articles will be moved up to the 15<sup>th</sup> of the quarterly month in which they are due. He will provide an updated schedule to those who submit articles. Mr. Leible also reported that the Fourth of July celebration will include a magic show from 6:00 p.m. - 7:00 p.m., live music from 7:00 p.m. until the fireworks start at dusk, and food trucks.

Councilmen Lombardo had nothing to report.

**Councilmen Buechler** mentioned that there is a Special Election scheduled for April 30, 2024 to fill New York's 26th Congressional seat left vacant by former Congressman Brian Higgins. He also noted that due to redistricting the 26<sup>th</sup> Congressional District now includes parts of Erie and Niagara Counties.

**Attorney Joerg** had nothing to report.

**Engineer Britton** reported that the stormwater permit for the town will require some new action items. He is working with the Town Clerk, Highway Superintendent and Building Inspector to compile the information and gather documents required for this task. He also stated that a survey regarding the updates for the town's Comprehensive Plan will be publicized soon.

**DEPARTMENT HEADS**

**Town Clerk Maurer** reported that monthly reports were received from the Assessor, Building Inspector/Code Enforcement Officer, and the Engineer. These reports, along with the monthly reports for the Town Clerk, Tax collection, and Water/Sewer collection, were posted online with the agenda documents. Mrs. Maurer informed the Board of the following monies received and collected in the month of March:

Total State, County and Local Revenues	\$	168,538.65
Town & County Taxes (2024 Total)	\$	8,244,171.82
Water/Sewer Collection	\$	37,274.57

She also stated that the 2024 tax collection in the Town of Pendleton ended on April 1, 2024 with a total of 97% taxes paid. The remaining unpaid taxes for the year were turned over to the Niagara County Treasurer's Office.

**Highway and Water/Sewer Superintendent Fischer** started off saying that he hopes that plowing and salting is done for the season. He then reported on some of the activities completed by the Highway and Water/Sewer Department in the month of March including stocking of salt in the salt barn, replacing plow stakes throughout the town, repairing plow damage to residential properties and making general repairs on trucks and equipment. He also reported that they continue to install culvert pipes in front yards, are cleaning drainage ditches and have removed fallen trees from the bike path. Lastly, Mr. Fischer stated that they have been working on cleaning up Nine Mile Island to prepare it for the summer season.

**Building Inspector Diedrich** provided kudos to Mr. Fischer stating that he has received far less calls this year about “wet yards”.

**Assessor Valentine** reported that his office has been working on cleaning up exemptions and updating inventory and assessments due to property transfers.

## NEW BUSINESS

### Proposed Local Law No. 01 of the Year 2024 - Parking Restrictions

This agenda item was tabled until the May 13, 2024 meeting.

#### RESOLUTION 114-24

##### **SEQR DETERMINATION - REZONING REQUEST**

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 15<sup>th</sup> day of April 2024, to accept the State Environmental Quality Review Act (SEQR) regarding a request to rezone SBL 136.00-1-46.12 and 136.00-1-46.112 from the current mixed zoning as proposed and make a negative declaration based on the documents provided by the Planning Board.

#### RESOLUTION 115-24

##### **REZONING REQUEST - CAMPBELL BOULEVARD PARCELS**

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, 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 each parcel includes Light Commercial (CO-1) and Residential (R-2); and

WHEREAS, the Planning Board has recommended rezoning of these specific parcels to Residential (R-2) only, in anticipation of possible approval of the development of these specific parcels.

WHEREAS, a public hearing for this proposed rezoning was scheduled for April 15, 2024 at 6:55 pm by resolution of the Town Board at the March 11, 2024 meeting; and

WHEREAS, the scheduled public hearing was held, as scheduled, prior to consideration of this resolution.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024 that the request to rezone SBL 136.00-1-46.12 and 136.00-1-46.112 from the current mixed zoning to SBL 136.00-1-46.12 being rezoned to Residential (R-2) for the entirety

of the parcel and SBL 136.00-1-46.112 being rezoned to Light Commercial (CO-1) for the entirety of the parcel is approved. This resolution shall take effect immediately.

RESOLUTION 116-24

**ACCEPTANCE OF RESIGNATION - CONSTABLES**

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 15<sup>th</sup> day of April 2024, that the notice ending the employment of Michael Kloch and Kenneth Jonmaire for the position of Constable is accepted. This resolution shall take effect immediately.

RESOLUTION 117-24

**APPOINTMENT OF CONSTABLE - JOHN EMBORSKY**

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 15<sup>th</sup> day of April 2024, that John Emborsky is appointed to the position of Constable at a rate of compensation of \$20.00 per hour. This resolution shall take effect immediately.

RESOLUTION 118-24

**APPOINTMENT OF CONSTABLE - STEVE HEFFLE**

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 15<sup>th</sup> day of April 2024, that Steve Heffle is appointed to the position of Constable at a rate of compensation of \$20.00 per hour. This resolution shall take effect immediately.

RESOLUTION 119-24

**ACCEPTANCE OF RESIGNATION - ZBA MEMBER**

Motion by Councilman Buechler, 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 15<sup>th</sup> day of April 2024, to accept the resignation of Zoning Board of Appeals member Lee Daigler effective immediately.

RESOLUTION 120-24

**APPOINTMENT OF SEASONAL PARK ATTENDANT**

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 15<sup>th</sup> day of April 2024, that Jeffrey Bruce is appointed Park Attendant, a seasonal (3) three-month position, at a rate of compensation of \$19.25 per hour. This resolution shall be considered effective as of April 8, 2024.

RESOLUTION 121-24

**EMPLOYEE TERMINATION**

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, Rita Dispenza has been employed by the Town of Pendleton since May 4, 2005; and

WHEREAS, Ms. Dispenza has now been continuously absent from work for more than one year pursuant to a disability as defined under New York State Civil Service Law § 73.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024 that Ms. Dispenza is hereby terminated from her employment with the Town of Pendleton, effective the date of this Resolution, April 15 2024, pursuant to New York State Civil Service Law § 73.

RESOLUTION 122-24

**FACILITIES USAGE AGREEMENT - COMMUNITY BIBLE CHURCH**

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 15<sup>th</sup> day of April 2024, to approve the Facilities Usage Agreement for the organization known as Community Bible Church.

RESOLUTION 123-24

**WAIVER OF PAVILION RENTAL FEES - STARPOINT**

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 15<sup>th</sup> day of April 2024, that the fees for the use of the Town Park pavilions on June 3, 2024 and June 4, 2024 by Starpoint Central School District are waived. This resolution shall take effect immediately.

RESOLUTION 124-24

**2024 SUMMER RECREATION PROGRAM FEES**

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 operates a summer recreation program for residents and nonresident families; and

WHEREAS, a participant fee is charged for registration for the summer recreation program; and

WHEREAS, a recommendation for resident and nonresident summer recreation fees has been communicated to the Town Board.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024 that the summer recreation program participation fee for residents is set at \$260.00 and \$525.00 for each nonresident. This resolution shall take effect immediately.

RESOLUTION 125-24

**2024 BUDGET LINE CREATION**

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 15<sup>th</sup> day of April 2024, that budget line Recreation - Equipment (A7120.201) is hereby added to the 2024 budget; and

FURTHER, BE IT RESOLVED, that a transfer of \$2,000.00 is approved from Town Hall - Fixed Assets (A1620.200) to Recreation - Equipment (A7120.201). This resolution shall take effect immediately.

RESOLUTION 126-24

**2024 BUDGET TRANSFER**

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 15<sup>th</sup> day of April 2024, that a budget transfer of \$1,451.63 from Town Clerk - Contractual Expense (A1410.400) to Town Clerk - Fixed Assets (A1410.200) is approved. This resolution shall take effect immediately.

RESOLUTION 127-24

**REQUEST FOR PROPOSAL - JCAP GRANT**

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 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, it is necessary to advertise a Request for Proposals for specific work detailed in the grant application; and

WHEREAS, necessary Request for Proposal documentation has been presented to the Town Board.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024, that advertisement for Requests for Proposals for specific work detailed in the approved grant application is authorized as detailed in the Request for Proposals as submitted.

FURTHER, BE IT RESOLVED, that the Requests for Proposals will be made available on April 16, 2024 and all proposals are to be submitted to the Town Clerk by 3:00 pm local time on May 6, 2024, with the proposals publicly opened and read aloud at 3:00 pm. This resolution shall take effect immediately.

RESOLUTION 128-24

**COMMUNITY CENTER CHANGE ORDER MC-2**

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 authorized the advertisement for bids for a Community Center Project by resolution on January 9, 2023; and

WHEREAS, acceptance of the lowest bid for this advertised project was accepted by resolution on May 8, 2023; and

WHEREAS, work on the Community Center Project has commenced and Change Order MC-2 related to additional HVAC installation has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024 that proposed Change Order MC-2, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 129-24

**COMMUNITY CENTER CHANGE ORDER MC-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

WHEREAS, the Town Board of the Town of Pendleton authorized the advertisement for bids for a Community Center Project by resolution on January 9, 2023; and

WHEREAS, acceptance of the lowest bid for this advertised project was accepted by resolution on May 8, 2023; and

WHEREAS, work on the Community Center Project has commenced and Change Order MC-3 related to the addition of an exhaust fan in the server room in the Community Center has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024 that proposed Change Order MC-3, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 130-24

**COMMUNITY CENTER CHANGE ORDER GC -7**

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 authorized the advertisement for bids for a Community Center Project by resolution on January 9, 2023; and

WHEREAS, acceptance of the lowest bid for this advertised project was accepted by resolution on May 8, 2023; and

WHEREAS, work on the Community Center Project has commenced and Change Order GC-7 related to the addition of bollards in front of the gas meter has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024 that proposed Change Order GC-7, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 131-24

**COMMUNITY CENTER CHANGE ORDER GC - 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

WHEREAS, the Town Board of the Town of Pendleton authorized the advertisement for bids for a Community Center Project by resolution on January 9, 2023; and

WHEREAS, acceptance of the lowest bid for this advertised project was accepted by resolution on May 8, 2023; and

WHEREAS, work on the Community Center Project has commenced and Change Order GC-8 related to additional saw cutting and expansion joint installation has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024 that proposed Change Order GC-8, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 132-24

**COMMUNITY CENTER CHANGE ORDER GC - 9**

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 authorized the advertisement for bids for a Community Center Project by resolution on January 9, 2023; and

WHEREAS, acceptance of the lowest bid for this advertised project was accepted by resolution on May 8, 2023; and

WHEREAS, work on the Community Center Project has commenced and Change Order GC-9 related to dormer size change has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024 that proposed Change Order GC-9, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 133-24

**COMMUNITY CENTER CHANGE ORDER GC - 10**

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 for bids for a Community Center Project by resolution on January 9, 2023; and

WHEREAS, acceptance of the lowest bid for this advertised project was accepted by resolution on May 8, 2023; and

WHEREAS, work on the Community Center Project has commenced and Change Order GC-10 related to additional framing blocking has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024 that proposed Change Order GC-10, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 134-24

**COMMUNITY CENTER CHANGE ORDER GC - 11**

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 authorized the advertisement for bids for a Community Center Project by resolution on January 9, 2023; and

WHEREAS, acceptance of the lowest bid for this advertised project was accepted by resolution on May 8, 2023; and

WHEREAS, work on the Community Center Project has commenced and Change Order GC-11 related to addition of fiber reinforced paneling has been recommended by the Town Engineer.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 15<sup>th</sup> day of April 2024 that proposed Change Order GC-11, as presented to the Town Board, is accepted. This resolution shall take effect immediately.

RESOLUTION 135-24

**REQUEST FOR GRANT FUNDING**

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 15<sup>th</sup> day of April 2024, to authorize the annual funding request from Pendleton Community & Business Association, in the amount of \$2,000.00 for business promotion activities, that will be matched by Niagara County through the 2024 William G. Mayne, Jr. Business & Community Enhancement Program to be used towards landscaping of the Town's trailhead on Campbell Boulevard. This resolution shall take effect immediately.

RESOLUTION 136-24

**APPOINT RECREATION COMMITTEE MEMBER**

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 15<sup>th</sup> day of April 2024, to appoint Patrick Covell to a five-year term on the Recreation Committee.

RESOLUTION 137-24

**APPOINT RECREATION COMMITTEE CHAIRPERSON**

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 15<sup>th</sup> day of April 2024, to appoint Patrick Covell as the chairperson of the Recreation Committee.

RESOLUTION 138-24

**FACILITIES USAGE AGREEMENT - NEW LIFE CENTER UNITED PENTECOSTAL**

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 15<sup>th</sup> day of April 2024, to approve the Facilities Usage Agreement for the organization known as New Life Center United Pentecostal.

RESOLUTION 139-24

**SCHEDULE PUBLIC HEARING**

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 15<sup>th</sup> day of April 2024, to schedule a Public Hearing on May 13, 2024 at 6:55 p.m. to allow public input on a proposed local law related to the parking near the intersection of Townline and Beach Ridge Roads.

RESOLUTION 140-24

**PROCLAMATION HONORING LEE DAIGLER**

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, Lee Daigler is a life-long resident of the Town of Pendleton and has dedicated many years to public service; and

WHEREAS, Mr. Daigler served on the Zoning Board of Appeals, faithfully attending meetings and honoring the duties of the role of a member of this board, from his first appointment on January 2, 2001; and

WHEREAS, Lee Daigler has participated in numerous hours of professional training required of members of this board, remaining current on all matters related to the function of the Zoning Board of Appeals; and

WHEREAS, the residents of the Town of Pendleton are grateful for the service and dedication of Mr. Lee Daigler and all who serve our community.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton, on behalf of the citizens of this great town, that Lee Daigler is hereby recognized for his dedication and contributions to our community and we thank him for his years of service to the Town.

## **BOARD MEMBERS DISCUSSION**

Supervisor Maerten stated that there will not be a Work Session on April 29, 2024 and that the next Regular Board Meeting is scheduled for May 13, 2024 at 7:00 p.m. A Public Hearing will also be held on May 13, 2024 at 6:55 p.m.

## **PUBLIC REMARKS/COMMENTS**

A resident stated that she appreciates the changes that she has noticed to items such as the Annual Financial Report. She asked about why the town has never made a formal resolution when submitting that report to the State Comptroller's Office and asked for clarification on if there is a vacancy on the Zoning Board of Appeals. She had additional questions about outside organizations doing work on Town property and about the paving at Depeau Park.

Another resident had specific questions about the 2023 Annual Financial Report that were outlined on the written document provided to the Town Board.

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Regular Meeting at 8:09 p.m. Motion carried.

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Deborah K. Maurer, Town Clerk

PENDING APPROVAL