

TOWN OF PENDLETON
Work Session
September 25, 2017

A work session of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, N.Y. on the 25th day of September 2017. The meeting was scheduled for 7:00 P.M.

Supervisor Maerten opened the meeting at 7:06 P.M.

Supervisor Maerten, Councilman Fischer, Councilman Ostrowski, Councilman Leible were present. Councilwoman Jarvis was absent. Also present:

Terry Pienta – Town Clerk
Claude Joerg – Attorney
Tim Masters – Bldg. Department
Kelli Coughlin - Assessor

There were approximately eight residents in attendance.

The Board discussed with the co-chairs of the Farm and Home Days various items including the date for next year's celebration.

- Incorporating the Farm and Home Days with the July 4th celebration
- Keep the same weekend dates for continuity
- Approximate revenue for 2017 was \$13,396.27
- Approximate costs were \$4,136.47
- Feedback has been positive, many are hoping it to be an annual celebration
- Baseball is still scheduled in July
- Fireworks display two times
- Laser show in place of fireworks
- To consider applying for a 501-C3 status

RESOLUTION 167 – 17

APPROVAL DATE FOR 2018 FARM & HOME DAYS

Motion by Councilman Ostrowski, seconded by Councilman Fischer, the following resolution was

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski
 Nays 0

Resolved to commit to the August 17th and 18th for 2018 Farm and Home Days.

RESOLUTION 168 – 17

INTER-MUNICIPAL RIGHT OF WAY CLEARANCE CERTIFICATE

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski
 Nays 0

Whereas the Town of Pendleton and the County of Niagara are both acceptable project applicants and sponsors of federal aid highway projects as determined by the New York State Department of

Work Session
September 25, 2017

Transportation (NYSDOT),

Whereas the construction of the transportation facility (i.e. trail crossing) is expected to have a useful life of 20 years from the expected date of completion, September 2018, and this agreement will have a 20 year term to coincide with the useful life of the transportation facility,

Whereas the Town of Pendleton is responsible for providing any local funding shares needed in reference to this federally funded project,

Whereas the Town of Pendleton will own the trail to be constructed to the east of CR 20 and will have maintenance responsibility for the trail (as shown on attached map) upon completion of the project, to include all striping and signage throughout the trail,

Whereas this Inter-Municipal agreement will be part of the New York State Local Agreement for this project, signed by the Town of Pendleton and the State of New York,

Whereas areas adjacent to proposed improvements which may be disturbed by construction of this project will be restored to original condition as determined by the contract documents,

Whereas the indemnification/liability for the noted work during the period of construction will be the responsibility of the Town of Pendleton, and the indemnification/liability for the noted work after construction is completed will be the responsibility of the Town of Pendleton for the segment

within the Town of Pendleton,

Whereas the County of Niagara will assume no liability whatsoever in connection with the work during the period of construction or the noted work after construction is completed,

Whereas the Town of Pendleton will indemnify the County of Niagara, their officers, agents and employees, and shall hold them harmless from any and all risks of every kind, nature and

description resulting from or relating to the noted work during the period of construction, the noted work after construction is completed, and the use of the trail throughout the term of this agreement,

Whereas this agreement and the work constructed by this agreement and the State Local Agreement entered into with the Town of Pendleton is non-revocable by either party, except for extenuating circumstances such as the federal funding not being available, or where the federal funds used to construct the improvements are returned to the federal government, or if federal approval is granted to discontinue this agreement,

Whereas this agreement will not be superseded without consent of the NYSDOT,

Whereas this agreement will be recorded in the Niagara County Clerk's office, by the project sponsor, with illustration or mapping, now therefore be it;

Resolved that the Supervisor of the Town of Pendleton is hereby authorized to sign the Inter Municipal Right of Way Agreement with Niagara County.

RESOLUTION 169 - 17

AUTHORIZATION FOR THE SUPERVISOR TO SIGN THE SUPPLEMENTAL #2 AGREEMENT FOR THE PENDLETON RECREATIONAL PATHWAY EXPANSION

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Jarvis, Ostrowski

 Nays 0

WHEREAS, a Project for the Pendleton Recreational Pathway Expansion, P.I.N. 5760.85 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Pendleton desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of \$75,191.00,

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay in the first instance 100% of the federal and non-federal share of the cost of the preliminary Engineering work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$75,191.00 is hereby appropriated from and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Pendleton be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and the Town of Pendleton with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately

RESOLUTION 170 – 17

NEW WENDELVILLE MEMBER

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Jarvis, Ostrowski
 Nays 0

Resolved to add a new Wendelville member, Cathleen Pietkiewicz of Campbell Blvd., to the Town's insurance effective immediately.

The Court is applying for funding from the Justice Court Assistance Program for additional security items, architectural work and court incidentals.

RESOLUTION 171 – 17

SUPPORT OF THE JUSTICE COURT ASSISTANCE PROGRAM (JCAP) 2017-18 GRANT APPLICATION

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Jarvis, Ostrowski
 Nays 0

WHEREAS the State of New York Unified Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, automation, furniture, supplies and training.

WHEREAS the funding available under the State of New York Unified Court System would facilitate local efforts in upgrading the Town's Justice Departments.

RESOLVED that the Supervisor of the Town of Pendleton is hereby authorized and directed to file an application with the Justice Court Assistance Program not to exceed \$30,000 in grant funding.

Supervisor Maerten reported that Stephan Erby from Monolith Solar Company came to speak with him the previous week. His company is looking locally for places to install solar panels. These panels would be installed in order to offset all of Key Banks electrical usage for the banks in Western NY. He noticed that the Town's Highway Garage has a large flat roof and wondered if the Town would be interested in leasing the roof to them. The Town would receive a signing bonus of about \$10,000.00 to \$15,000.00 with an annual lease payment of about \$4,000.00. Supervisor Maerten discussed concerns he had including what happens to the panels at the end of the 20 year contract. It was determined that Supervisor Maerten will follow through and ask for a sample contract for review.

Renny Staples, a Pendleton resident, also a member of the Niagara Frontier Reading Council, is interested in placing a Little Free Library, "take a book, return a book" in the Town of Pendleton.

If the Town Board is receptive to the idea she asked if the Highway Department would install the post that would support the "boxes" created to house the books. There would not be any maintenance for the Town and will be funded by the Lockport Rotary. Future boxes could be made by a scout that needed a project for an Eagle Scout project. It was also determined that it would be best to locate the first one by the Town Hall. It was discussed that a box is located at the entrance of the Meadowbrook subdivision (off of Oakwood) but is thought to be unregistered so it may have been installed by someone within that subdivision.

RESOLUTION 172 - 17

LITTLE LIBRARY PROPOSAL

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Jarvis, Ostrowski
 Nays 0

Resolved to allow Renny Staple to move forward with her project for a small Little Free Library box to be located close to the Town Hall.

Other Discussions

- Vendor Renewable Energy Proposal
- Baseball contract 2018
- ADA compliant Port-a-Potty
- Sign in Park for the Lions Club donation for Roller Slide located in the Town Park

RESOLUTION 173 - 17

ALLOW FOR A SIGN FOR THE LION'S DONATION

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

ADOPTED Ayes 4 Maerten, Leible, Fischer, Ostrowski
 Nays 0

Work Session
September 25, 2017

Resolved to allow the Lions Club to place a sign (preapproved by the Supervisor and Highway Superintendent) that would recognize their recognition for the donation of the Roller Slide that is among the other pieces of the new handicap equipment for the Town Park.

The Budget discussion that was planned to follow this meeting was canceled due to the Budget Director, Don Bergman , not being able to attend. A Budget discussion is still planned for October 2nd at 7:00 P.M.

Motion by Councilman Fischer, seconded by Councilman Leible to adjourn at 8:25 P.M.
Motion carried.

Terry J. Pienta, Town Clerk