

TOWN OF PENDLETON
Work Session
March 26, 2018

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 26th day of March 2018. The meeting was scheduled for 7:00 P.M.

Supervisor Maerten opened the meeting at 7:03 P.M.

Supervisor Maerten, Councilman Leible, Councilman Fischer, Councilman Ostrowski, and Councilman Graham were present.

Also present:

Deborah Maurer – Town Clerk
Claude Joerg – Town Attorney
Tim Masters – Building Inspector
Kelli Coughlin – Assessor
Dave Britton - Town Engineer
Sara Siracuse – Conservation Board Chairwoman

There were approximately 4 residents in attendance.

RESOLUTION 74-18

BOARD OF ETHICS APPOINTMENT

Motion by Councilman Graham, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to appoint Ken Kurzic to the Board of Ethics.

RESOLUTION 75-18

RAILS TO TRAILS PROJECT: PROJECT AWARD

RESOLUTION AUTHORIZING THE TOWN OF PENDLETON TO ENTER INTO A CONSTRUCTION AGREEMENT WITH NFP & SONS, INC.

THE RESOLUTION REFERRED TO ABOVE WAS OFFERED BY COUNCILMAN FISCHER, WHO MOVED ITS ADOPTION SECONDED BY COUNCILMAN LEIBLE,

WHEREAS, the Town Board of the Town of Pendleton previously approved entering into a construction agreement for the Recreational Pathways Expansion Project, Town of Pendleton, Niagara County, PIN 5760.85 (the "Project") with NYSDOT; and,

WHEREAS, bids for the Recreational Pathways Expansion Project were opened and read aloud on February 6, 2018 at 11:00a.m. and the following bids were received:

<u>Bid No.</u>	<u>Bidder Name</u>	<u>Total Bid Amount</u>
1	NFP & Sons, Inc.	\$639,482.42
2	Edbauer Construction	\$640,900.00
3	4 th Generation Construction, Inc.	\$708,875.20
4	Mark Cerrone, Inc.	\$788,541.00
5	Louis Del Prince & Sons, Inc.	\$796,260.00
6	CATCO	\$811,286.80
7	Accadia Site Contracting, Inc.	\$848,782.00
8	Milherst Construction, Inc.	\$883,170.50

WHEREAS, the bids were referred to C&S Engineers, Inc. for review and recommendation; and

WHEREAS, by letter dated February 7, 2018, Seth D. Kaeuper, P.E. of C&S Engineers, Inc. recommends that the bid be awarded to the apparent low bidder, NFP & Sons, Inc.; and

WHEREAS, the Town Board of the Town of Pendleton agrees with the recommendation made by C&S Engineers, Inc.

NOW, THEREFORE, the Town Board of the Town of Pendleton at a regular meeting of the Town Board duly convened does hereby

RESOLVE, that the bid submitted by NFP & Sons, Inc. for the Recreational Pathways Expansion Project, being in the best interests of the Town of Pendleton, is hereby accepted and awarded.

The above resolution was duly put to a roll call vote at a work session of the Town Board of the Town of Pendleton on March 26, 2018, the results of which were as follows:

Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

The resolution was approved.

CNBSA Contract

Attorney Joerg reviewed the last and final offer from CNBSA. A discussion ensued regarding some new language specific to the type of equipment and safety guidelines. Questions were asked specifically about the use of the concession stand by parties other than CNBSA. Councilman Ostrowski suggested reviewing minutes from earlier discussions about this contract and Councilman Leible said that prior contracts should also be reviewed to determine what was agreed to previously. There was also dialogue about the use of the groomer and dugout covers.

Highway Garage Floor Drain

A new discussion took place regarding the floor drain in the Highway garage. Superintendent Stowell is in the process of getting quotes for a new drain. The current drain is in poor condition. An oil/water separator may need to be installed instead of a drain. Engineer Britton stated that plans were developed and approved by the Board in 2006 but the project was never completed. He explained the scope of work that was in the original plan and will forward that information to the Board.

Compensatory Time for Non-Union Employees

Deputy Clerk Noreen Lemma asked the Board for clarification of the policy regarding compensatory time for non-union employees as the Town's Employee Handbook does not specifically address this. A lengthy discussion took place regarding employees working from home, salaried employees required to attend meetings, and pre-approval of compensatory time when working outside of normal business hours. Supervisor Maerten stated that a committee for the Employee Manual & Personnel Policies was appointed at the January organizational meeting that would be reviewing and updating this information. He plans on scheduling a meeting with the committee soon. He also emailed each of the Board members copies of employment manuals from the Town of Wheatfield and the Town of Cambria to review.

Starpoint Lease Agreement

Supervisor Maerten and Recreation Committee Chairwoman, Beatrice Mattina, met with Starpoint Superintendent, Dr. Sean Croft, to discuss the proposed lease agreement. The contract is requesting that the Town pay a \$1,500.00 fee for the year. The school is charging this for all non-school groups for the cost of using the facility. The school estimates the actual cost of using the facility for the year is approximately \$4,500.00. Councilman Leible remarked that the Town had previously paid the school \$1,500.00 per year. Councilman Ostrowski thinks that it is in the Town's best interest to work with the school. A lengthy discussion continued on this subject including information regarding additional security. Councilman Ostrowski also noted that he spoke with the Recreation Committee about this and they are concerned that the cost of the recreation programs will increase as a result of this. It was suggested that the Town enter into a three-year agreement with the school starting with the previously budgeted amount of \$1,500.00 for this year, \$3,000.00 for next year and \$4,500.00 for the third year. This will enable the Town to build it in to the cost of the program gradually.

RESOLUTION 76-18

STARPOINT LEASE AGREEMENT

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to enter in to a three-year lease agreement authorizing the following payments: \$1,500.00 for 2018, \$3,000.00 for 2019, and \$4,500.00 for 2020.

Recreation Committee Recap

Councilman Ostrowski gave an update on items discussed at the recent Recreation Committee meeting. They discussed purchasing two additional basketball nets and changing the way that the nets face to be more conducive for potential basketball tournaments. Councilman Leible informed him that a discussion had previously taken place regarding moving the basketball nets to the other side of the park. Councilmen Ostrowski and Graham will ask the Recreation Committee about this option. The committee also discussed the Central Niagara Baseball & Softball Association (CNBSA) contract. He then stated that committee member, Chris Frey, stepped down from heading the soccer program and that there were some complaints in the past about the length of the waiver that participants must sign. Attorney Joerg explained the necessity of the Town's waiver in addition to the waivers required by the various soccer organizations. The Board agreed that they would continue to require that all players (or parents) sign the current waiver. During this discussion, resident Ed Harmon agreed to work on the scheduling for the soccer program if the Board members agreed to meet with him regarding re-assessments. Mr. Harmon will reach out to Recreation Committee chairwoman Beatrice Mattina directly to discuss the scheduling.

Trail Way Lighting

Councilman Ostrowski brought up the topic of trail way lighting for Lockport Road, Mapleton Road, Fiegle Road, Meyer Road and Campbell Boulevard. A discussion with Engineer Britton ensued regarding the use of LED lights. Councilman Leible recommended tabling this discussion until he can call National Grid and get more information regarding this matter.

Highway Garage – HVAC Work

Supervisor Maerten spoke about various repairs and replacements needed at the Highway garage. The Highway Department provided him with some quotes for some of the services. Some of the contractors want to charge the Town to do the inspections in order to provide the quotes. Attorney Joerg said that they must give us free quotes. If the Town is unable to obtain three quotes and we document that we could not get three free quotes then we can use the company that did provide us with a free quote.

RESOLUTION 77-18

CARPET REPLACEMENT FOR WATER-SEWER BILLING OFFICE AND PLANNING BOARD OFFICE

Motion by Councilman Fischer, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to authorize the purchase of new carpet for up to two rooms, not to exceed the amount of \$1,100.00, provided we receive at least one additional quote.

RESOLUTION 78-18

ITEMS FOR AUCTION

Motion by Councilman Leible, seconded by Councilman Fischer, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to authorize the Sewer-Water Department to put up for auction the following items: 2008 Ford F-350 with utility box, SHP – 1 ½” Honda water pump, an old Homelite generator and other miscellaneous office items including desks and chairs.

RESOLUTION 79-18

WATER-SEWER BILLING CLERK FURNITURE

Motion by Councilman Graham, seconded by Councilman Fischer, the following resolution was ADOPTED: Ayes 5 Maerten, Fischer, Graham, Leible, Ostrowski
Nays 0

Resolved to purchase office furniture for the Water-Sewer Billing Clerk from Eaton Office Supply for the low bid of \$2,039.60.

Beach Ridge Road Property

Councilman Leible spoke regarding the Beach Ridge Road property that is owned by the Town of Pendleton. There are currently stakes on the access road to this property to prevent people from entering the property to hunt. The property owner in front of this location is requesting that the Town replace those stakes with a swinging gate with a lock that they have a key to so they can access their adjoining property. A discussion followed with the Town Attorney regarding the legality of this. Attorney Joerg recommend against this. It was then decided that Supervisor Maerten will discuss the option of putting up a gate without a lock with Highway Superintendent Stowell.

July 4th Fireworks

Councilman Leible reported that the Town has leftover fireworks from 2017. Supervisor Maerten stated that the Celebration Committee had recently asked him if they could have fireworks at the Farm and Home Days this year. A discussion took place regarding whether fireworks should be allowed at the Farm and Home Days. Several factors were considered but a decision was not made. Councilman Leible will contact the vendor for the fireworks and use the credit from 2017 towards the 2018 Fourth of July celebration. He is currently working on the contract for this year's celebration.

National Grid Pole Placement

Building Inspector Masters informed the Board that National Grid is asking for permission to put up a pole on Tonawanda Creek Road at East Canal and Washington Street. The current pole is damaged and they want to run a line to Uncle G's. He wanted to know if he can give permission to National Grid to move forward and submit their plans for this. Supervisor Maerten said that the Town Board sees no need to take action on this as National Grid is not required to seek permission for this.

Other Discussions

Supervisor Maerten reported that he will be meeting with Chief Dunn from the Niagara County Sheriff's Office (NCSO) regarding the scheduling of the extra traffic control shifts.

Councilman Ostrowski asked Engineer Britton for a report on a discussion they had regarding encouraging business growth within the Five Corners area by extending the sewer. He wants to know what type of work it would take to extend the sewer to the east side of Campbell Boulevard for future development in that area. Engineer Britton has looked at this before and said that it was set up in a way to allow us to extend it in the future. A lengthy discussion took place regarding this subject. Supervisor Maerten suggested that Councilman Ostrowski speak with Planning Board members Joe McCaffrey and John Lavrich for their input on this.

Councilman Graham asked Building Inspector Masters for an update on the Planning Board review of the light commercial zoning. Building Inspector Masters indicated that he is currently working with Joe McCaffrey and John Lavrich on this project. A discussion continued regarding the various items that he hopes can be clarified once this is completed.

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Engineer Britton reported that the Fisk Road project is moving along. A public informational meeting will be held in early May and will be advertised in newspaper. Individual notices will be sent to impacted property owners. He also reported that he spoke with Water-Sewer Superintendent Argo regarding soliciting quotes for generator for pump stations. Supervisor Maerten noted that we already have a signed contract. Engineer Britton will work with Superintendent Argo to prepare a bid sheet for the quotes.

Motion by Councilman Leible, seconded by Councilman Graham to adjourn at 8:57 P.M.
Motion carried.

Deborah K. Maurer, Town Clerk