

TOWN OF CAMBRIA TOWN BOARD

JULY 13, 2006

The regular meeting of the
Town of Cambria Town Board was held
at 8:00 PM on the 13th day of July 2006
at the Town Hall, 4160 Upper Mountain
Rd., Town of Cambria, New York

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
Robert E. Blackman, Councilman
George J. Bush, Councilman
Matthew P. Foe, Councilman
Debra L. Kroening, Councilwoman

ALSO PRESENT:

Jon T. MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Edwin J. Shoemaker, Attorney
17 interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order.

The following Proclamation honoring former Town Historian Vernetta Genter was presented by Supervisor Ellis.

PROCLAMATION

***WHEREAS,** the history of the Town of Cambria gives the residents of our community a deeper understanding of their diverse heritage and a greater appreciation of our unique historic resources; and*

***WHEREAS,** Vernetta A. Genter has served as Cambria's Town Historian since February 6, 1969, and has continued to diligently serve in that position through January 1, 2006, an impressive span of thirty-seven (37) years; and*

***WHEREAS,** through her leadership and vision Vernetta founded the Town of Cambria Historical Society in 1971 and served as that organization's first President; and*

***WHEREAS,** Vernetta was instrumental in establishing an Historical Museum in the original Town Hall building and oversaw its development and expansion over the past quarter century; and*

***WHEREAS,** Vernetta's love and extensive knowledge of local history have been chronicled through various published works; and*

***WHEREAS,** Vernetta A. Genter has served the Town of Cambria with distinction, demonstrated by the dedicated performance of her duties, fulfillment of her responsibilities and cultivation of working relationships, which have earned her the respect of other civic leaders and the affection of a host of area residents;*

NOW, THEREFORE, BE IT

***RESOLVED,** the Town of Cambria Town Board hereby appoints Vernetta A. Genter as Town of Cambria Historian Emeritus in deep appreciation and with great affection for her meritorious service, loyalty and dedication which she has rendered to the Town of Cambria and further honors her this day by resolution of the Town Board on July 13, 2006.*

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TOWN OF CAMBRIA, NEW YORK**

Wright H. Ellis, Town Supervisor

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to issue the Proclamation honoring Vernetta Genter.

Ayes: Blackman, Bush, Ellis, Foe, Kroening

-Motion Carried-

Members of the Genter family were present to accept the Proclamation on behalf of Vernetta and expressed their appreciation to the Town Board acknowledging her years of service to the Town of Cambria.

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PUBLIC HEARING – PROPOSED LOCAL LAW NO. 1, 2006 – RIGHT TO FARM LAW

The following public hearing notice as published in the Union Sun & Journal on June 30, 2006 and posted on the Town Clerk's signboard on June 27, 2006, was read by the Clerk:

Notice of Public Hearing
Town of Cambria
Right to Farm Law

Please take notice that the Town Board of the Town of Cambria will hold a Public Hearing at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132 on the 13th day of July, 2006 at 8:00 p.m. to hear and consider adoption of a proposed Local Law for the year 2006 entitled Right to Farm Law.

A summary of the proposed Local Law will be as follows:

Section 1 – Legislative Intent and Purpose

Section 2 – Definitions

Section 3 – Right to Farm Declaration

Section 4 – Duty of Town Officers and Board to Consider Impact of Farm Operations on Certain Applications

Section 5 – Informal Resolution of Disputes

Section 6 – Severability Clause; and

Section 7 – Effective Date

A copy of the proposed local law is on file at the Town Clerk's Office located at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132 and may be viewed during regular business hours.

All parties in interest and citizens will be heard at the Public Hearing to be held as aforesaid.

BY ORDER OF THE TOWN BOARD TOWN OF CAMBRIA

Lou Ann Murawski, Town Clerk

Supervisor Ellis briefly explained the intent and purpose of the proposed local law. The public hearing was opened for comment. The following individuals were given an opportunity to be heard:

Robert Kerns, 2975 Franklin St, questioned if the Town is experiencing any problems with complaints of farming operations which are posing an undue hardship on farmers. He further questioned if certain Board members have their own interests in mind in proposing this legislation.

Supervisor Ellis indicated they had experienced complaints a few years ago where some parcels were sold from a farm which had operated for a number of years within the Town. There were complaints from the new residents concerning the farming operations around their homes. With the new developments throughout the Town, it appears to be in the best interests of the Town to place this legislation in effect now.

Fred Barone, 3357 Lower Mountain Rd., spoke in favor of the proposed Right to Farm law, indicating he felt it was fair and just looking to the future of protecting our farmers and our Town's heritage as a farming community.

Eric Siegmann, 4460 Upper Mt. Rd., indicated he experienced an incident where he rented some land to a farmer to plant corn and the neighbor was upset with him. He expressed his support of the proposed legislation.

Having heard all those desiring to be heard, the public hearing was declared closed by the Town Supervisor.

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved that the Minutes of the June 8, 2006 Town Board meeting be approved as presented.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment:

Cemetery Fund	Claims 6 – 9	\$ 2,675.48
Drainage Fund	Claims 28 – 30	\$ 854.23
General Fund	Claims 295 – 357	\$ 65,649.59
Highway Fund	Claims 123 – 145	\$132,928.37
Recreation Fund	Claims 10 – 27	\$ 5,576.25
Refuse Fund	Claims 11 – 12	\$ 26,943.31
Sewer Operating Fund	Claims 50 - 57	\$ 543.72
Trust Agency Fund	Claims 20 – 31	\$ 25,857.37
Water Construction	Claim 12	\$ 1,646.58
Water Operating Fund	Claims 107 – 129	\$ 9,339.80

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved that the vouchers be paid as presented.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

RIGHT TO FARM LOCAL LAW

Supervisor Ellis indicated the Board must await the decision of the Niagara County Planning Board prior to taking action on the proposed legislation.

FAIR VILLAGE WATERLINE IMPROVEMENTS – CHANGE ORDER NO. 1

Robert Klavoon, Wendel Duchscherer, updated the Board on the Fair Village Waterline Improvement Project. The proposed Change Order would move the alignment of the proposed waterline on Fairview Drive from the roadway to the lawn area located between the back edge of the curb and the front edge of the existing sidewalk. The alignment change is expected to provide a savings to the Town in the overall project cost due to a decrease in the amount of stone bedding and backfill and pavement restoration which would have been necessary with the previous alignment. Based on their conversations with the contractor and the Water and Highway Superintendents, Wendel Duchscherer recommends approval of Change Order No. 1 in the amount of \$14,200.00.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve Change Order No. 1 dated June 30, 2006 in the amount of \$14,200.00.

Aye: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

Supervisor Ellis questioned Mr. Klavoon with regards to advising the residents. Mr. Klavoon indicated that a letter is being drafted which will be sent within the next few weeks advising the residents of the temporary water service. The draft will be reviewed by Amel Jowdy prior to being sent.

NATURE TRAIL GRANT- SCOPE CHANGE AUTHORIZATION

Supervisor Ellis indicated the report on the Archaeological Study is being produced. Councilman Bush presented an update on the progress of the Town Park, indicating the Town Park Planning Committee met and discussed the drainage/grading of the entire park complex.

Scope Change #2, Update Master Plan Budget & Phasing on a time and material basis, not to exceed \$3,000 without written authorization was presented for the Board's consideration.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve Scope Change Authorization #2 dated July 7, 2006.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

DILLER ROAD SEWER EXTENSION

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to authorize the Town Engineers to prepare and submit requests for the necessary regulatory approvals, including Ag and Markets and to update previously developed engineering plans for extending to the south, the sewer line on the west side of Diller Road.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

CONCERNS OF CITIZENS

Richard Quast, 3866 Lower Mountain Road, asked for suggestions to keep Warm Lake Estates Winery customers from entering his driveway. Highway Superintendent Jon MacSwan suggested placing "exit only" signs at the end of his driveway and indicated he would meet with Mr. Quast with regards to the problem.

TOWN CLERK REPORTS

The Town Clerk reported as follows:

- Niagara County SPCA Report, June 2006 – Total Animal Contacts 29
- Building Inspector's Report, June 2006 – Total Receipts \$1,335.00
Total Estimated value of construction
\$316,840

HIGHWAY SUPERINTENDENT REPORTS

Mr. MacSwan reported as follows:

- Speed limit reduction request on Church Road. A letter was received from St. Peter Lutheran Church and School. The Highway Superintendent recommended the Town file a TE-9 form with NYS Department of Transportation for the speed limit reduction on this road.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to direct the Town Clerk to file a TE-9 form for a reduced speed limit on Church Road, in accordance with the Highway Superintendent's letter of July 10, 2006.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

- Paving Projects –Baer Road has been paved; Shunpike has been recycled and the angle of the cross over pipe has been changed; Van Dusen Road has been recycled and sealed and Comstock Road has been recycled.
- Pekin Fire Company – request received to have the Town's excavator on standby while they burn a barn

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to authorize the Highway Superintendent to provide the use of the John Deere Excavator to support the Pekin Fire Co. proposed barn burning.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

- Extension of Manning Ditch – Mr. MacSwan indicated there is approximately ½ day of work involved to finish the last stretch of the lateral extension of the Manning ditch off of Lower Mountain Road.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the cleaning of the Manning ditch extension off of Lower Mountain Road.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

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- Green Acres Subdivision Drainage – Mr. MacSwan indicated that Mawhiney has done the final grading of the area and a letter will be sent to the Planning Board approving drainage of the proposed subdivision.

WATER/SEWER SUPERINTENDENT REPORTS

- Local Government Records Management Improvement Fund Grant for remote operated water meter readers has been awarded in the amount of \$37,466. The total grant applied for was \$74,932.

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to direct the Water Superintendent to provide a proposal for the August Town Board meeting concerning replacement of water meters with the electronic radio frequency meter reading system utilizing grant funds of \$37,466.00.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

SAUNDERS SETTLEMENT ROAD SEWER EXTENSION – LEAD AGENCY DESIGNATION

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to designate the Town Board as Lead Agent for SEQR review for the sewer line extension on Saunders Settlement Road.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to authorize the Town Supervisor to sign the necessary SEQR documents and make submittals to the Niagara County Health Department.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

REZONING APPLICATION OF DONALD PYSKATY – JUNCTION ROAD

Application received from Donald J. Pyskaty to rezone from AR to Industrial, property on Junction Road identified by Tax Map #121.00-2-26.

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to refer the matter to the Planning Board for their review and recommendations.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to designate the Town Board as Lead Agent for SEQR review on the application of Donald Pyskaty for rezoning of property on Junction Road.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

BICENTENNIAL COMMITTEE

Supervisor Ellis designated Deputy Supervisor George Bush as Chairman of the 2008 Bicentennial Committee with the following individuals serving as members of the Committee:

Deborah Jagow-Wynes, Vernetta Genter, Lou Ann Murawski, Christine Osypian, Gerald Lafler, Sally Kolkmeier, Robert Smith, Roberta Freatman and Forrest Wendt

RESOLUTION OF SUPPORT – PROPOSED NIAGARA RIVER GREENWAY BOUNDARY PROPOSAL

The following resolution was presented for the Board's consideration:

WHEREAS, the Niagara Power Coalition has described its vision for the Niagara River Greenway boundary to include host communities and Niagara County municipalities adjacent to the river in their entirety as Greenway Communities, and

WHEREAS, the Niagara Power Coalition desires the boundary for the Niagara River Greenway to include the seven members of the Niagara Power Coalition (Town of Lewiston, Town of Niagara, City of Niagara Falls, Lewiston-Porter Central School District, Niagara Falls City School District, Niagara-Wheatfield Central School District and Niagara County) as well as Town of Porter, Village of Youngstown, Village of Lewiston, Town of Wheatfield and City of North Tonawanda, and

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WHEREAS, the Niagara River Greenway shall also provide connections to inland communities through tributaries of the Niagara River and the following three New York State-designated trailways in Niagara County: Erie Canalway Trail, Niagara Wine Trail and Seaway Trail, and

WHEREAS, the Niagara Power Coalition has developed a vision for the Greenway that demonstrates the ability for the Greenway Commission to meet Greenway Plan criteria and provide a higher quality of life for local residents and increased opportunities for tourism, and

WHEREAS, the Niagara River Greenway will provide opportunities to experience historical, recreational, and industrial heritage and points of interest throughout the Niagara River region, now therefore, be it

RESOLVED, that the Town of Cambria Town Board fully supports the proposal for a Niagara River Greenway boundary as described above hereto, designed to enhance waterfront access; complement economic revitalization of the communities along the river; ensure the long-term maintenance of the greenway; and for the purpose of redefining the Niagara riverfront, promoting tourism, enhancing the environment and advancing the economic revitalization of the Niagara River Greenway within Niagara County, and be it further

RESOLVED, that copies of this resolution be sent to each of the Niagara River Greenway Commission members; Rob Belue, Administrative Coordinator, Niagara River Greenway Commission; Mark Minstretta, Project Manager, Wendell-Duchscherer Architects & Engineers; members of the Niagara Power Coalition; Supervisor Merton Wiepert, Town of Porter; Mayor Neil Riordan, Village of Youngstown; Mayor Richard Soluri, Village of Lewiston; Supervisor Timothy Demler, Town of Wheatfield; Mayor Lawrence Soos, City of North Tonawanda; and Commissioner/ Executive Director Samuel M. Ferraro, Niagara County Center for Economic Development.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the resolution in support of the proposed Niagara River Greenway Boundary Proposal.

Ayes: Blackman, Bush, Ellis, Foe, Kroening -Motion Carried-

PROCLAMATION – STEVEN JOHN SOLLY – EAGLE SCOUT

Supervisor Ellis read the following Proclamation honoring Steven J. Solly, Eagle Scout:

Whereas, the Boy Scouts of America was founded on February 8, 1910, in the United States of America; and

Whereas, in September of 1997, Steven John Solly joined the Cub Scouts with Wright's Corners Cub Scout Pack 40 and transferred to Cambria Pack 8 in 1998. In the spring of 1999, he earned the Arrow of Light, the highest award in Cub Scouting, and at that same ceremony, he crossed over to Cambria Boy Scout Troop 8; and

Whereas, Steven received the Religious Award, "God and Country" in June 2000, has earned 22 merit badges, and currently serves as Assistant Scout Master.

Whereas, through the years Steven has advanced through the ranks and through his hard work and leadership qualities has attained the rank of Eagle Scout, the highest and most prestigious rank offered by the Boy Scout Program while a member of Cambria Boy Scout Troop 8; and

Whereas, the Scout motto is "Be Prepared", and from the day that Steven became a scout, he set about preparing to help other people; and

Whereas, the Scout Law sets goals and standards to live by, Steven has demonstrated that he is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

Whereas, the Scout Code helps the Scout grow into a better man and a better citizen; and

Whereas, Scouts believe it is their duty to love their country, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies; and

Whereas, *character, participation and leadership are the basis of good citizenship; therefore be it Resolved*, the Town of Cambria is proud of your achievement, advancement to the rank of Eagle Scout, and shares with you in one of the greatest occasions, not merely of your career as a Scout, but of your whole life, and honors you this day by resolution of the Town Board on July 13, 2006.

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Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the Proclamation honoring Steven Solly as an Eagle Scout.

Ayes: Blackman, Bush, Ellis, Foe, Kroening

-Motion Carried-

ADDITIONAL MATTERS

- Supervisor Ellis indicated there are 130 children participating in the Day Program at the Town Hall facility and approximately 50 enrolled at the Pekin site.
- Annual Garage Sale will be held this weekend, July 15 – 16

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilwoman Kroening. Time: 8:55 PM

Respectfully submitted,

Lou Ann Murawski
Town Clerk