

TOWN OF CAMBRIA TOWN BOARD

MAY 14, 2009

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 14th day of May 2009 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
Robert E. Blackman, Councilman
George J. Bush, Councilman
Debra L. Kroening, Councilwoman
Joseph Ohol, Councilman

Jon T. MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Robert Roberson, Attorney
Rob Klavoon, Wendel Duchscherer
27 interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order. Supervisor Ellis welcomed those present. The majority of the audience was comprised of students from Starpoint High School in attendance to meet requirements of their "Participation in Government" class.

Board members took action upon the following matters:

APPROVAL OF MINUTES

Supervisor Ellis noted a correction to the Minutes of April 9th regarding the acceptance of the bid from M. H. Thilk for the installation of the generators. He indicated he inadvertently included the quote for the concrete pads and building; the correct figure should be \$19,014.00. Councilman Ohol requested the word "purchase" be included under the Attorney reports regarding the cell tower easement purchase offer.

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to approve the Minutes of the April 9, 2009 Town Board meeting with the corrections as noted.

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

APPROVAL OF VOUCHERS

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

Drainage Fund	Claims 9	\$ 145.48
General Fund	Claims 190-245	\$ 46,035.22
Highway Fund	Claims 84-109	\$ 24,139.13
Recreation Fund	Claims 7-12	\$ 3,885.55
Refuse Fund	Claim 5	\$ 29,756.80
Sewer Operating	Claims 22-26	\$ 309.12
Trust Agency Fund	Claims 23	\$ 228.49
Water Operating	Claims 85 -107	\$ 14,888.09

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the abstract of audited vouchers as presented.

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

STORMWATER MANAGEMENT PLAN - ANNUAL REPORT PRESENTATION

Rob Klavoon, Wendel Duchscherer, presented the Stormwater Management Plan Annual report to the Town Board. The report covers the time period of 3/10/2008 through 3/9/2009. Mr. Klavoon reported there are six areas which are included in the report: public education and outreach, public participation and involvement, illicit detection/discharge, construction control measures, post-construction control measures and storm water pollution "good house keeping". This is a comprehensive 40-page document that is filed in the Town Clerk's office for review by the public. There were no comments from the audience on the report.

EMERGENCY GENERATOR INSTALLATIONS

Highway Superintendent Jon MacSwan reported that, for security reasons, the new generator should be placed inside the gate. He has received three estimates, which are as follows:

**TOWN OF CAMBRIA TOWN BOARD
MAY 14, 2009 PAGE TWO**

- \$11,875.00 – From National Grid to install new poles and run wire overhead
- \$ 6,600.00 – From M.H. Thilk to use the existing pole on west side of driveway, underground to generator
- \$ 8,700.00 – From M.H. Thilk to run power from existing pole on east side of driveway, underground to the generator.

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to accept the proposal from M.H. Thilk to run power from the existing pole on the east side of the driveway underground to the generator at a cost of \$8,700.00.

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

FEMA FLOOD INSURANCE RATE MAP UPDATE

Rob Klavoon, Wendel Duchscherer, reported the letter of protest was received today by FEMA. It will be 4-6 months before they render a determination regarding the filed protest.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Niagara County SPCA Report - April 2009 Total Animal Contacts: 8
- Building Inspector's Report - April 2009 Total Receipts: \$2,332.50; Total estimated value of construction: \$239,345.00
- Request from Cambria Volunteer Fire Company to remove Andrew Rawls, 3546 Saunders Settlement Road, Sanborn, NY from the roster of active members.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the removal of Andrew Rawls, 3546 Saunders Settlement Road, Sanborn, NY from the roster of active firemen for Cambria Volunteer Fire Company.

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

- Request from the Pekin Fire Company to have Jacob Wendt removed from the roster of active members.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Ohol, it was resolved to approve the removal of Jacob Wendt from the roster of active members for Pekin Fire Company.

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

- Request from Niagara Community Action Program for a donation towards a basket raffle at their upcoming Professional Development Conference. They are requesting items from all twelve towns and the three cities in Niagara County. It was suggested a donation of Bicentennial merchandise be made.

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to authorize a donation of a Bicentennial plate and mug to the Niagara Community Action Program.

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

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- Paving of Escarpment Drive and Carriage Lane is scheduled, along with slurry on Baer Rd. Hill.
- Request has been received to haul a load of chips to Starpoint School District for the Askey Memorial.

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to authorize the Highway Superintendent to utilize Town vehicles to provide support for the Askey Memorial at the Starpoint School District.

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

**TOWN OF CAMBRIA TOWN BOARD
MAY 14, 2009 PAGE THREE**

- Town Park – With regards to the signage, the Highway Department will be digging the holes and will stake and cover them. Councilman Bush suggested that pictures be taken during the project.

WATER/SEWER REPORTS

- Mr. MacSwan indicated water meters continue to be installed daily; the project is running smoothly.

RECREATION MATTERS

- Councilwoman Kroening reported the Recreation Committee would be changing the meetings to Wednesday nights at 8:30 PM.
- Sally Marotta-Reed, Recreation Day Program Director, reported she had the first meeting for the Day Program with the workers and many topics were discussed. The Day Program will run this year from June 30th through August 7th. She addressed Attorney Roberson on the issue of bicycle helmet safety for those participants in the program who choose to ride their bicycles to and from the program. Mr. Roberson stated the Town cannot override the position of the parent, indicating the Town would not be liable if a child does not use their helmet to/from the program. He further stated the Town cannot enforce bicycle helmet use to/from the program, but can strongly encourage it.

CONCERNS OF CITIZENS

- **Catherine Wray, Blackman Road**, expressed her concerns regarding the slow progress for the development of the Town Park, indicating Cambria is losing kids to other programs.

Supervisor Ellis explained the property was purchased in 1999. The following year, the Master Plan for the Park was developed which was set up to be completed in phases at an estimated cost of \$5.5 million. It was understood from the very beginning that this would be a long term project – 15-20 years. He assured her that the Town Park is not on the back burner. Financing is an issue because of the size of the project; the Town has applied for grants to help defray some of the costs associated with developing the Town Park. With regards to financing the project, Supervisor Ellis indicated the financial climate is not favorable for borrowing; although, money has been earmarked in the Town budget for the Town Park. A brief discussion followed.

- **Robert Moore, Ridge Road**, inquired about the moratorium on wind turbine power. Supervisor Ellis indicated the Planning Board has been working on drafting the policy and it is expected to be forwarded to the Town Board for review/action at the June meeting.

WATER SERVICE INTERRUPTION

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

RESOLUTION

WHEREAS, pursuant to Section V of the Town of Cambria Water Ordinances the Town Board reserved the right to shut off water to any service connection at any time that it is deemed necessary; and

WHEREAS, the Town Board deems it necessary to shut off water to certain addresses for the purpose of installing the radio read meter; and

WHEREAS, the Town of Cambria Water District has requested, by a letter dated April 22nd, 2009, that the Town Board of the Town of Cambria adopt a resolution that will authorize the Water District Foreman to shut off water service to addresses identified in said letter.

NOW, THEREFORE, be it **RESOLVED** that the Town Board of the Town of Cambria finds it necessary to authorize the shut off of water for the purpose of installing radio meters at certain addresses and directs the Foreman of the Water District to shut off water to the persons and addresses set forth below for the purpose of installing radio meters at such addresses:

1. Lawrence Amacher 3421 Raymond Road, Sanborn, NY 14132
2. Thomas Crane 5779 Pekin Tnl. Road, Sanborn, NY 14132
3. James Dean 2989 Raymond Road, Sanborn, NY 14132
4. Cheryl Ferguson 4662 Thrall Road, Lockport, NY 14094
5. Christopher Masters 4697 Lower Mt. Rd., Lockport, NY 14094

**TOWN OF CAMBRIA TOWN BOARD
MAY 14, 2009 PAGE FOUR**

6. Richard Musilli 4994 Escarpment Drive, Lockport, NY 14094
7. Dale Urbanik 4332 Lower Mt. Rd., Lockport, NY 14094

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to approve the resolution as presented.

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

Councilman Ohol commented that this still will not guarantee collection of money, but the Town will get a meter reading. Supervisor Ellis indicated that, once installed, the remote radio read meters will eliminate estimated readings so that the Town will not lose money due to incorrect readings.

WATER/SEWER SERVICE EXTENSION-LOCKPORT ROAD/COMSTOCK ROAD

Supervisor Ellis reported the Town is looking into extending the water line on Comstock Road and Lockport Road, and the sewer line on Lockport Road. Attorney Roberson indicated the following resolutions would be required to be adopted:

RESOLUTION AUTHORIZING THE TOWN BOARD TO CALL A PUBLIC HEARING (ARTICLE 202B) – EXTENSION OF 12” PVC WATER LINE, APPROXIMATELY 3600 LINEAR FEET ALONG LOCKPORT ROAD AND AN 8” PVC WATERLINE, APPROXIMATELY 1,100 LINEAR FEET ALONG COMSTOCK ROAD

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize an Article 202B public hearing for 8 PM on June 11, 2009 to consider the extension of the 12” diameter PVC waterline, approximately 3,600 linear feet along Lockport Road and an 8” PVC water line, approximately 1,100 linear feet along Comstock Road at a total cost not to exceed \$485,00.00.

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

RESOLUTION AUTHORIZING THE TOWN BOARD TO CALL A PUBLIC HEARING (ARTICLE 202B) – EXTENSION OF SEWER LINE ALONG THE NORTH SIDE OF LOCKPORT ROAD A DISTANCE OF APPROXIMATELY 1,325 LINEAR FEET OF 8” PVC SEWER LINE, AND APPROXIMATELY 7,480 LINEAR FEET OF 4” PVC PRESSURE SEWER ALONG LOCKPORT ROAD FROM COMSTOCK ROAD TO CAMPBELL BLVD.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Ohol, it was resolved to authorize an Article 202B public hearing for 8:05 PM on June 11, 2009 to consider the extension of a sewer line 1,325 linear feet of 8” PVC along the north side of Lockport Road and also 7,480 linear feet of 4” PVC pressure sewer line along Lockport Road from Comstock Road to Campbell Boulevard at a total cost not to exceed \$660,00.00.

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

RESOLUTION DESIGNATING TOWN BOARD AS LEAD AGENT

Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved to designate the Town of Cambria Town Board as lead agent for SEQR review for the water line extension project on behalf of the Town of Cambria Water District.

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

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to designate the Town of Cambria Town Board as lead agent for SEQR review for the sewer line extension project on behalf of the Town of Cambria Sewer District.

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

RESOLUTION AUTHORIZING TOWN ENGINEER TO PREPARE SEQR DOCUMENTS

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize the Town Engineer to prepare the

necessary SEQR documents and to conduct a coordinated review of the water line and sewer line extension projects.

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

RESOLUTION AUTHORIZING ATTORNEY FOR THE TOWN TO PREPARE NECESSARY DOCUMENTS FOR 202B HEARINGS

Upon a motion duly made by Councilman Ohol and seconded by Councilwoman Kroening, it was resolved to authorize the Attorney to prepare the necessary documents for the §202b hearings for the water line extension and the sewer line extension.

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

ADDITIONAL MATTERS

- Councilman Ohol inquired about the inclusion of a memorial column in the Town newsletter recognizing deceased Town residents.

Councilman Ohol also reported the Town of Newstead has welcome signs as you enter the Town which indicate they are a "right-to-farm" community. He suggested we consider installing similar signs throughout our Town. Supervisor Ellis indicated the matter would be looked into and would be addressed at the June meeting.

EXECUTIVE SESSION

Upon a motion duly made by Councilman Blackman and seconded by Councilman Ohol, it was resolved to enter into executive session to discuss personnel matters.

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

-THERE WAS NO ACTION TAKE DURING THE EXECUTIVE SESSION-

Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush it was resolved to close the executive session and re-convene the regular meeting.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilwoman Kroening and seconded by Councilman Ohol. Time: 10:25 (approximately).

Respectfully submitted,

Lou Ann Murawski, Town Clerk

Paula N. Jones, Deputy Town Clerk