

TOWN OF CAMBRIA TOWN BOARD

FEBRUARY 9, 2006

The regular meeting of the Town of Cambria Town Board was held at 8:00 PM on the 9th day of February 2006 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York

TOWN BOARD MEMBERS:

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

ALSO PRESENT:

Amel S. Jowdy, Water/Sewer Superintendent
Jon T. MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Edwin J. Shoemaker, Attorney
16 interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order. Board members took action upon the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Blackman and seconded by Councilman Foe, it was resolved that the Minutes of the Town Board meeting held on January 12, 2006 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:

Drainage Fund	Claims 2 – 7	\$ 4,005.63
General Fund	Claims 28 – 82	\$72,586.32
Highway Fund	Claims 11 – 36	\$36,746.23
Recreation Fund	Claims 1 – 2	\$ 229.20
Refuse Fund	Claims 1 – 2	\$28,666.03
Sewer Operating	Claims 2 – 10	\$ 2,418.76
Water Construction Fund	Claims 2 – 3	\$ 1,233.50
Water Operating Fund	Claims 6 – 23	\$ 5,656.60

Upon a motion duly made by Councilman Blackman and seconded by Councilman Foe, it was resolved to approve the vouchers as presented.

Ayes: Blackman, Bush, Ellis, Foe, Kroening

-Motion Carried-

FORMER BUSINESS

-SMALL CITIES GRANT – Cambria Fair Village Waterline Project

Supervisor Ellis indicated that the required paperwork was filed on February 3rd.

-HOUSEKEEPING/INVENTORY – Mr. MacSwan indicated his employees have been working on the excavator. They are preparing for the project along the CSX railroad bed.

ROUTE 93 REROUTING

With regards to the rerouting of Route 93, Supervisor Ellis indicated a letter was received from NYSDOT in response to our letter proposing signage east along Route 31 and north along Junction Road, indicating that truck traffic is not usually restricted from using any state road. He further indicated that it is still their desire to make the change and the Town and City of Lockport both approved the proposal. The Town of Cambria is the last municipality to sign off on the matter.

Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved to support the proposal from NYS Department of Transportation for the rerouting of NY Route 93 along Upper Mountain Road to NY Route 31 and Route 270 (Junction Road).

Ayes: Blackman, Bush, Ellis, Foe, Kroening

-Motion Carried-

PROPOSAL FROM CASTLETON DEVELOPMENT CORPORATION

Jeff Blume, Castleton Development Corp., presented the Board with a proposal for the development of patio homes on 17 acres on the south side of Route 31, east of the Cedar Knoll Apartments. The development entails the construction of 65 patio homes ranging from 1,300 square ft. to 1,800 square feet with the majority of lots having frontage of 55'. Prices for the homes would start at \$160,000.

A brief discussion ensued.

Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush, it was resolved that the proposal of Castleton Development Corp. for the construction of patio homes on the south side of Route 31 be referred to the Planning Board for review in accordance with the PD provisions of the Zoning Ordinance.

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

CONCERNS OF CITIZENS

Richard Hahn, Hahn Sales & Services, Lower Mountain Road, was present regarding the construction of the berm around his business. He indicated that, according to the Minutes of the Planning Board, it is recommended that the berm (which is in the process of being constructed) be removed. He indicated he felt his property is being singled out and he presented to the Board pictures of various other properties within the Town which he felt are in violation of the Zoning Ordinance. Mr. Hahn questioned in what area he is not in compliance with the Town's zoning regulations and also asked why the berm is an issue.

A lengthy discussion ensued.

Supervisor Ellis indicated he has asked Mr. Hahn to submit information to his office from various agencies concerning their recommendations on the berm and has not yet seen the documentation. He requested Mr. Hahn to provide a copy of the document. In its present state, the berm is an unsightly pile of dirt. Supervisor Ellis stated the Town has tried to work with Mr. Hahn and supported him with the findings of DEC. He further indicated he felt Mr. Hahn is going to have to work with the neighbors as there is a limit as to what the Town can do.

Councilman Bush questioned if Mr. Hahn intended to plant evergreens on the berm. Mr. Hahn indicated that as soon as they have all the material, they will proceed—they expect to complete the project sometime during the summer.

Supervisor Ellis suggested that Mr. Hahn meet with the Planning Board at their next meeting and discuss the situation with them.

Attorney Shoemaker indicated he has not been advised by anybody that Mr. Hahn is in violation. He suggested that Mr. Hahn meet with the Building Department and if there is a problem, for them to contact his office. He indicated the situation may be more of a matter of appearance and aesthetics than an actual violation.

Mr. William Fisher, Carriage Lane, indicated he hasn't seen any progress in the clean up efforts of the Town for the removal of unregistered vehicles. He indicated it seems only certain individuals are being cited for violations.

Legislator Kyle Andrews presented a petition from Diller Road residents requesting a speed limit reduction to 45 mph on Diller Road between Lockport Road and Route 31. Jon MacSwan indicated he could post "Slow Down, We Love Our Children" signs. The matter will be further reviewed at the March meeting.

Mr. J. Gary DiLaura, G & R Landscaping, 3056 Saunders Settlement Rd., indicated he has drafted a letter to the NYS Department of Transportation and the President of Niagara County Community College regarding the need for a traffic signal on Route 31 at the exit driveway of Niagara County Community College. He indicated he would send a copy to the Town.

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TOWN CLERK REPORTS

The Town Clerk presented the following:

- Building Inspector's Report – January 2006 – Total Receipts \$805.00
Total estimated value of construction \$150,500
- Building Inspector's Annual Report for 2005
- Niagara County SPCA Report January 2006 Total Animal Contacts: 18
- Roster of Members – Pekin Fire Company 2006; Cambria Fire Company 2006

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved that the 2006 roster of members for Pekin Fire Company and Cambria Fire Company be approved as presented and filed with the Town Clerk.

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

HIGHWAY SUPERINTENDENT REPORTS

Jon MacSwan, Highway Superintendent, reported as follows:

- Request authorization for Highway Superintendent and Foreman to attend Cornell Spring workshop at a cost of \$40.00 each.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to authorize the attendance of the Highway Superintendent and Highway Foreman at the spring workshop at a cost of \$40.00 each.

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

- Meeting with CSX regarding the cleaning of the areas along the railroad tracks – Mr. MacSwan indicated they are moving along and will be clearing along the tracks from Comstock Road to Cambria Road.

- Safety meeting was held on January 27th at which several safety films were viewed.

- St Peter Lutheran School on Church Road has requested a speed limit reduction in front of the school. Niagara County posted a new fluorescent green "School" sign and also posted a new sign 800 ft. before the school heading north. The county will also install a crosswalk striping in the spring.

- Mr. MacSwan requested authorization to participate in providing trucking for the hauling of stone for the Dale Askey Art Courtyard to be constructed at Starpoint High School.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to authorize the Highway Superintendent to participate in providing trucking for the hauling of stone as he deems necessary for the Dale L. Askey Memorial Art Courtyard at Starpoint High School.

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

- Drainage Easements – Mr. MacSwan indicated that the easement form is being reviewed by the Attorney.

WATER/SEWER SUPERINTENDENT REPORTS

Mr. Jowdy reported as follows:

- Mandated OSHA training – Information was presented to the Board which included two quotes for the OSHA refresher courses. The Board requested Mr. Jowdy to contact NCCC and request them to submit a quote for comparable services as submitted by Onsite Health Solutions.

- Copy Machine – Mr. Jowdy indicated he is looking at replacement of the copy machine within the next few months as our lease with Xerox is expiring.

- Replacement of Wain Roy System on Backhoe – A quote was presented from Niagara Frontier Equipment Sales for the purchase of a Wain Roy system at a cost of \$9,910.00. Board members suggested that Niagara Frontier Equipment be contacted to see if they would be able to offer us something on a trade. Mr. Jowdy indicated he could also check to see what the equipment might be worth at auction.

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-NYS Section AWWA meeting to be held April 4-6 in Saratoga Springs and the National Water Works Meeting to held June 11-15 in San Antonio, Texas.

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to authorize Amel Jowdy to attend the NYS Section AWWA meeting to be held in Saratoga Springs from April 4-6 and the National AWWA meeting to be held in San Antonio, Texas from June 11-15.

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

RECREATION – BASEBALL REGISTRATION FEES

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved that baseball registration fees for 2006 be set as follows:

Resident (individual)	\$15.00
Resident (family)	\$30.00
Non-Resident (individual)	\$20.00
Non-Resident (family)	\$40.00

Additional registration fee of \$10.00 per child after February 25th.

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

Councilman Foe indicated he disagreed with the imposition of a late fee; however, the fees were approved by the Recreation Committee and already advertised prior to presentation and approval by the Town Board.

REQUEST OF J. GARY DILAURA

Supervisor Ellis indicated there are two applications from Mr. DiLaura. His original proposal was to incorporate Lot 4 into the landscaping, nursery and indoor storage business with the same conditions that apply to lots 1, 2 and 3. The matter was addressed at a public hearing and the Planning Board recommended approval but Mr. DiLaura withdrew his request. The second application is to construct five self storage buildings.

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

WHEREAS, on April 14th, 2004 the Town Board held a public hearing to consider amending its Zoning Map to include SBL Lot #134.00-1-68 in its Planned Development classification which was duly amended to PID; and

WHEREAS, thereafter the Owner of said parcel applied to the Town Planning Board for approval of development of the westerly 125 feet of said parcel for use as a nursery and landscaping business; and

WHEREAS, on September 8th, 2005 that application and Planning Board recommendation were presented to the Town Board for consideration; and

WHEREAS, the owner of SBL#134.00-1-68 withdrew the application and the Town Board duly resolved to disapprove that application based upon the request of the owner; and

WHEREAS, the Town Board has received a new application for use of those premises.

NOW, THEREFORE, it is RESOLVED that the new application received for site plan review of said parcel be referred to the Town Planning Board for its consideration and be it further

RESOLVED that lot #4, being the westerly 125 feet of said premises zoned Planned Development may be used as authorized in said zoning including landscaping subject to Planning Board approval of any construction on those premises.

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to approve the aforementioned resolution.

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

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COURT ROOM SECURITY

Supervisor Ellis indicated the Board has received an application for the court room security position from Michael Sieczkowski, Budd Road. The Town Justices have expressed their interest in being involved in the matter. He recommended the position be advertised. It was suggested that Justice Jowdy and Justice Peters prepare the required information for the advertisement.

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Supervisor Ellis indicated that one of the submittals for the Nature Trail Grant requires the Town to have an Equal Employment Opportunity Policy Statement. The following was presented for the Board's consideration:

**TOWN OF CAMBRIA
EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT
(ARTICLE 15A OF THE EXECUTIVE LAW OF NEW YORK STATE)**

Policy Statement

It is the policy of the Town of Cambria to provide equal employment opportunity to all people without regard to race, color, sex, religion, age, national origin, marital status, disability or handicapped status, sexual orientation, or veteran status. We are personally committed to assuring that the Town of Cambria will act affirmatively to develop avenues of entry and mobility for minorities, women, individuals with disabilities or handicaps and veterans through the following activities:

- Development of programmatic approaches to the elimination of all unjust exclusionary employment practices, policies and consequences.
- Development of educational and training programs for all employees, with emphasis on goals for upgrading minorities, women, individuals with disabilities and handicaps and veterans.
- Development of personnel practices, policies and career ladders to assist and encourage upward mobility of employees restricted to lower levels;
- Development of mechanisms for swift and judicious resolution of complaints of discrimination consistent with our policy and other applicable statutes; and
- Provision of reasonable accommodations to enable qualified individuals with disabilities to enjoy equal employment opportunities and equal terms, conditions and privileges of employment.

This policy applies to all job classifications and titles in the Town of Cambria. It governs all Town of Cambria employment policies, practices and actions including but not limited to, recruitment, hiring, discipline, rate of pay or other compensation, advancement, reclassification, reallocation, promotion, demotion, discharge and employee benefits. The appropriate person/office will be provided with all available resources necessary for the execution of its program responsibilities. Moreover, all managers, supervisors and employees must make consistently diligent efforts to implement this policy in day-to-day program and employment decisions. Affirmative Action considerations will be an integral part of all organizational activities performed in the furtherance of our mission and in meeting our responsibilities to New York State's citizens.

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to adopt the aforementioned Equal Employment Opportunity Policy Statement as presented.

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

NATIONAL INCIDENT MANAGEMENT SYSTEM CERTIFICATION

Supervisor Ellis indicated that he and Amel Jowdy attended the informational forum held on February 7th and hosted by Niagara County and the NYS Emergency Management Office which covered topics relating to NIMS mandates and compliance issues for local governments. The second phase, an Emergency Management Planning Course, is scheduled for March 7th – 9th. He indicated the federal government is mandating municipalities to complete training to become compliant with the National Incident Management System and to qualify for grant funding. It has not yet been determined which employees will be available to attend the next training session.

PROCLAMATION – CHARTER MEMBERS OF CAMBRIA VOLUNTEER FIRE COMPANY

The following Proclamation was read by Supervisor Ellis:

PROCLAMATION

WHEREAS, in the year 1943, numerous discussions at the local tavern identified the need for fire protection in the Town of Cambria, bringing forth on the evening of Election Day of that year, the offer of a one hundred dollar matching grant from the tavern owner's wife with the words, "Match this and we'll start a fire company." It was matched; and,

WHEREAS, the Cambria Town Board approved formation of the Cambria Volunteer Fire Company on January 3, 1944, with a Certificate of Incorporation issued in Niagara County on January 20, 1944, and filed with the New York State Department of State on February 10, 1944; and,

WHEREAS, Walter E. Blackman, Jr., William Freatman and Chester Robinson are the surviving Charter members of the manifestation of that dream in the tavern; and,

WHEREAS, Walter E. Blackman, Jr., was elected as the Company's first Secretary and Chester Robinson as its first Sergeant at Arms; and,

WHEREAS, through those formative years, Walter E. Blackman Jr., William Freatman and Chester Robinson served in a variety of line and administrative positions, nurturing the development of their emergency services organization into a valuable and widely recognized component of the community; and

WHEREAS, the members of the Cambria Volunteer Fire Company have willingly accepted the responsibility for providing vital emergency services to our Town residents while maintaining and offering their Fire Hall and Company grounds as a center of social and recreational activity for the past several decades; and,

WHEREAS, Charter Members Walter E. Blackman, Jr., William Freatman and Chester Robinson, with unwavering commitment to their pledge of service, a strong sense of responsibility to their fellow man and a generous application of plain hard work, chartered the future course of this vibrant, community focused and community serving organization.

NOW, therefore, be it

RESOLVED, the Town of Cambria is proud of your unique contribution to the life of our Town and the safety and well-being of its citizens and honors you this day by Resolution of the Town Board on February 9th, 2006.

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Wright H. Ellis, Supervisor

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to approve the Proclamation recognizing the three charter members of the Cambria Volunteer Fire Company: Walter E. Blackman, Jr., William Freatman and Chester Robinson.

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

ADDITIONAL MATTERS

Councilman Bush announced the fourth annual yard sale will be held on July 15th and 16th.

Councilwoman Kroening indicated the Recreation Committee will be advertising for the Groundskeeper position.

EXECUTIVE SESSION

Upon a motion duly made by Councilman Foe and seconded by Councilman Bush, it was resolved to enter into executive session for the purpose of discussing personnel matters and union negotiations.

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

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EXECUTIVE SESSION

There was no formal action taken during the executive session.

Upon a motion duly made by Councilman Bush and seconded by Councilman Foe, it was resolved to close the executive session. Motion Carried.

RE-CONVENE REGULAR MEETING

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to re-convene the regular meeting. Motion Carried.

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Blackman and seconded by Councilman Foe. Time: 10:00 PM

Respectfully submitted,

Lou Ann Murawski
Town Clerk