

**TOWN OF CAMBRIA TOWN BOARD**

**APRIL 13, 2006**

The regular meeting of the Town of Cambria Town Board was held at 8:00 PM on the 13<sup>th</sup> day of April 2006 at the Town Hall, 4160 Upper Mountain Road, 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:**

Amel S. Jowdy, Water/Sewer Superintendent  
Jon T. MacSwan, Highway Superintendent  
Lou Ann Murawski, Town Clerk  
Edwin J. Shoemaker, Attorney  
Approximately 15 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:**

A correction was noted in the Minutes of March 9<sup>th</sup> referencing the resolution authorizing the Water Superintendent to purchase 250' of PVC pipe. The resolution should correctly read as follows:

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to authorize the Water/Sewer Superintendent to purchase 250' of 2" PVC pipe to extend the pressure sewer west along the south side of Route 31.

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

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the Minutes of March 9, 2006 as corrected.**

**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	Claim 1	\$ 114.75
Drainage Fund	Claims 11 – 16	\$ 2,120.44
General Fund	Claims 138 – 193	\$47,084.15
Highway Fund	Claims 59 – 80	\$35,785.08
Recreation Fund	Claim 3	\$ 107.17
Refuse Fund	Claims 5 – 6	\$26,321.99
Sewer Operating	Claims 21 – 32	\$ 814.00
Trust Agency Fund	Claims 13 – 18	\$ 1,531.67
Water Construction	Claim 6	\$ 5,870.00
Water Operating Fund	Claims 43 – 70	\$ 9,457.99

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

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

**REQUEST OF J. GARY DI LAURA – SITE PLAN – 3056 SAUNDERS SETTLEMENT ROAD**

The following letter dated March 20, 2006 was received by the Board:

RE: J. GARY DILAURA – RECOMMENDATION CONCERNING SITE PLAN APPROVAL FOR PREMISES ZONED PD COMMONLY KNOWN AS 3056 SAUNDERS SETTLEMENT ROAD

Pursuant to the Town Board's recent request, the Planning Board met with Mr. DiLaura at its meeting on February 27, 2006 with respect to the above application. The Planning Board recommends that the Town Board consider approval of the site plan at this time pursuant to Section 1004 of the Town of Cambria Zoning Ordinance subject to the following recommended conditions:

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1. Applicant to be permitted to install a 32 square foot lighted sign;
2. Property to be suitably blacktopped around the buildings;
3. Property to be suitably landscaped, including intermittent planting of evergreens and a black vinyl chain link fence on the Route 31 side;
4. Applicant to comply with all New York State laws regarding storage;
5. Applicant to comply with requirements pertaining to New York State SPEDES Permits;
6. Property to be drained from site toward Route 31, with no drainage onto neighbors' properties;
7. Lighting on buildings to be below the eaves, approximately 7 ½ feet from the ground;
8. Driveway to be blacktopped to the road; and
9. Two gates to be located in front of the property for entry.

If there are any questions, or if you require anything further, do not hesitate to contact me.

Very truly yours,

William Amacher, Chairman  
Town of Cambria Planning Board

**Upon a motion duly made by Councilwoman Kroening and seconded by Foe, it was resolved to approve the site plan for premises zoned PD known as 3056 Saunders Settlement Road subject to and in accordance with recommendations of the Planning Board as outlined in letter dated March 20, 2006.**

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

Mr. DiLaura thanked the Board members for their support.

**REQUEST OF JOSEPH KAUSNER – SITE PLAN APPLICATION – PLANNED DEVELOPMENT SHENK ROAD**

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Foe, it was resolved to refer the application for site plan review to divide three lots fronting on Shenk Road to the Planning Board for their review and recommendations.**

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

**SMALL CITIES GRANT – CAMBRIA FAIR VILLAGE WATERLINE PROJECT**

Robert Klavoon, Wendel Duchscherer, presented an update on the Fair Village Waterline Project, indicating they have completed the plans and specifications. A bid opening date is proposed for May 9<sup>th</sup>; plans will be available on April 18<sup>th</sup>. A pre-bid meeting will be on April 28<sup>th</sup>.

**Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to authorize Wendel Duchscherer to advertise for bids for the Cambria Fair Village Waterline Project for bid opening on May 9<sup>th</sup> at 11:00 AM at the Town Hall.**

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

**NATURE TRAIL GRANT**

With regards to the Nature Trail grant, Supervisor Ellis indicated that with the delay of the adoption of the State budget, it is possible we will not be able to start construction until fall.

**COURT ROOM SECURITY POSITION**

Supervisor Ellis indicated interviews for the court room security position are scheduled for Monday morning. He recommended authorizing the committee to select candidates as necessary with pay rate of \$12.00 per hour for day court and \$40 flat rate for evening court.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to authorize the Committee for the Court Room Security position to select candidates as necessary to serve as independent contractors paid monthly on voucher at the following rates: \$40 flat rate for evening court sessions and \$12/hr for day court sessions.**

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

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**WAIN ROY BACKHOE SYSTEM**

With regards to the Wain Roy Backhoe, Amel Jowdy indicated he did not get it listed on the auction site and will present information to the Board at the next meeting.

**CONCERNS OF CITIZENS**

Mr. J. Gary DiLaura expressed his concern regarding the traffic accidents occurring on Route 31 at the exit of NCCC. He presented a letter which he wrote to the NYSDOT requesting that a light be installed. He received their response indicating they have initiated a review of his request. Mr. DiLaura requested the Town's support.

Supervisor Ellis indicated the Town would contact NCCC and will take action on the matter at the May meeting.

Several residents were in attendance to express their concern regarding increase in their assessments. A sign-up sheet was passed for those residents desiring to set up a meeting with the Town Assessor.

Mr. Martin Kroening, Upper Mountain Road, questioned how the Board felt about the new assessments, indicating his assessment was increased \$45,000 two years ago and now another \$40,000.

Nina Nanula, Lower Mountain Road, questioned why the tax rate is not decreasing as the assessments are increasing.

Supervisor Ellis explained the assessing procedure and the review process, indicating the Town Board does not have any control over the decisions of the Town Assessor. The only control the Town Board has is the Town Budget. He stated that last year they did reduce the tax rate in the Drainage District and the Fire Protection District; increases were seen in the Highway budget due to increase of costs for fuel/paving. He indicated the real estate market continues to be very strong in the Town of Cambria and recommended that residents schedule a meeting with the Assessor if they desire to have their property assessment reviewed further.

**TOWN CLERK REPORTS**

The Town Clerk reported as follows:

- Niagara County SPCA Report March 2006 – 16 Animal Contacts
- Building Inspector's Report March 2006 - \$1,565.00 Total Receipts
- Total estimated value of construction cost \$527,300.00

-National Day of Prayer to be celebrated at St. Paul's Church of the Nazarene on May 4<sup>th</sup> at 6:00 PM

-Dog Enumeration Report – Approximately 40% of Town has been completed; Several dog owners have applied for licenses for the first time as a result of the enumeration

-Microfilm Project Report – 14 Boxes of Justice Dockets have been microfilmed; Vital Records, Town Board Minutes, Planning/Zoning Board Minutes have been prepared for microfilming and are scheduled to be picked up by Biel's Microfilm Technology.

**HIGHWAY SUPERINTENDENT REPORTS**

Jon MacSwan reported as follows:

-Part-time laborer positions – Requested authorization to create two part-time laborer positions and one part time truck driver to be on a "call-in" basis.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to authorize the Town Supervisor to apply to the Niagara County Civil Service Commission for the creation of one part-time laborer position and one part-time truck driver position.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening**

**-Motion Carried-**

Supervisor Ellis indicated there will be a total of six positions in the "summer help pool" which will be coordinated through the Highway Superintendent.

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**NYS SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM**

The following resolution was presented to the Board:

**RESOLUTION:** Support of the 2006-2007 New York State Department of State Shared Municipal Services Incentive Grant Program for a Volvo EC35 compact excavator and Vibromax 265 double drum roller for the Town of Cambria, the Town of Pendleton and the Town of Porter.

At the Town Board Meeting held at the Town Hall, 4160 Upper Mountain Road, Sanborn, NY 14132 on this 13<sup>th</sup> day of April 2006.

Polling: Supervisor Ellis  
Councilman Blackman  
Councilman Bush  
Councilman Foe  
Councilwoman Kroening

**WHEREAS**, the State of New York Department of State is soliciting applications from local governments under Shared Municipal Services Incentive Grant Program for collaboration between communities to promote Share Services for the Town of Cambria, the Town of Pendleton and the Town of Porter.

**RESOLVED**, that the Supervisor of the Town of Cambria is hereby authorized and directed to file a joint application with the Town of Cambria, the Town of Pendleton and the Town of Porter to request funding under the New York State Department of State Shared Municipal Services Incentive Grant Program for a Volvo EC35 compact excavator and a Vibromax 265 double drum roller.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Bush, it was resolved to approve the aforementioned resolution in support of the 2006-2007 New York State Department of State Shared Municipal Services Incentive Grant Program for the purchase of a Volvo EC 35 Compact Excavator and Vibromax 265 Double Drum Roller for the Towns of Cambria, Pendleton and Porter.**

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

**DITCH PETITIONS**

Mr. MacSwan indicated the easements have been signed for the Andrews Road drainage ditch project. He requested authorization for approval of the Andrews Road drainage project and the petition for the ditch at 4228 Ridge Road.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to approve the Andrews Road drainage work and to approve the ditch petition for property at 4228 Ridge Rd.,**

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

**WATER/SEWER SUPERINTENDENT REPORTS**

The Water Superintendent reported as follows:

-Request for authorization to purchase ¾" Type K Copper and 1" Type K Copper

**Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to authorize the Water Superintendent to purchase 500 ft of ¾" Type K Copper and 1,500 ft. of 1" Type K Copper. Procurement forms have been filed.**

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

-Furnace and Fuel tank at the Old Town Hall have been installed.

-Request for sewerline extension from Flevie Danielewicz. The Town would need permission to tap a 2" pressure sewerline into the Town of Wheatfield's manhole on the east side of Bear Road, heading north at the intersection of Raymond Road, approximately 700'.

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**Upon a motion duly made by Councilman Bush and seconded by Councilman Foe, it was resolved to request authorization from the Town of Wheatfield to tap a 2" pressure sewerline into the Town of Wheatfield's last manhole on the east side of Baer Road, approximately 700' to service a proposed new home.**

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

-New Copy Machine – has been installed and is approximately \$93.00 less each month than our old machine.

-Purchase of Mowing Tractor – State contract price of \$13,394.70

**Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to approve the purchase of a John Deere 1445 4WD Tractor/Mower at the state contract price of \$13,394.70.**

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

-Fair Court West Pumping station – The Power and pump controls have been updated at the pump station

-OSHA Training – Mr. Jowdy indicated the training and employee physicals have been completed; he commented that the training went very well

-Lightning strike at the Pump station was traced to a transducer; a new part has been installed and it is up and running. The cost for the transducer was \$120.00

-Water Billing Program Upgrade – Proposal received from Greentree to upgrade the billing system at a cost of \$4,500 for upgrade and three day on-site startup and follow-up training.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to accept the proposal of Greentree Applied Systems, Inc. to upgrade the Water Department Billing system with a three day on-site follow-up training at a cost of \$4,500.00 and further authorize the computer tech committee and Town Supervisor to determine the work station requirements for the system hardware updates.**

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

-Summer Help Positions – Mr. Jowdy questioned the Board with regards to the summer help "pool". Supervisor Ellis indicated the Board has determined to place the part-time summer employees in a "pool", which will be administered by the Highway Superintendent. It was felt this method would offer more flexibility; in the past it appeared too many employees were sitting around with not enough work to keep them busy.

With regards to the Water Department billing, Supervisor Ellis questioned if the accounts have been reconciled with the Town Clerk and his Secretary. He suggested that Mr. Jowdy check the status of the reconciliation of 2005 and the first quarter of 2006.

**REQUEST FROM CAMBRIA FIRE COMPANY – USE OF FUEL DELIVERY SYSTEM**

A request was received from the Cambria Fire Company requesting authorization to use the Town of Cambria's fuel system. Supervisor Ellis indicated the Board is concerned about security and access during evening hours. It was suggested that access be granted during normal working hours, coordinated through the Highway Superintendent. The following resolution was adopted:

**Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved to authorize the Cambria Volunteer Fire Company use of the Town of Cambria Fuel Delivery System during normal working hours as coordinated by the Highway Superintendent; it was further**

**Resolved, that a separate pass code will be issued to track fuel consumption and facilitate quarterly billing. Emergency requests may be addressed to the Highway Superintendent or Town Supervisor; fuel to be billed at Town of Cambria cost, which is currently the state bid price.**

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

**ATTORNEY REPORTS**

No reports were presented.

**RESOLUTION – ADOPTION OF NATIONAL INCIDENT MANAGEMENT SYSTEM**

WHEREAS, In Homeland Security Presidential Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local, and tribal emergency management agencies and personnel coordinate their efforts to effectively provide the highest levels of incident management; and

WHEREAS, to facilitate the most effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission of Terrorists Attacks (9-11 Commission) recommended adoption of a standardized Incident command System.

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cambria that the National Incident Management System be utilized for all incident management within the Town of Cambria, and be it

FURTHER RESOLVED, that the Town Supervisor be designated as the official responsible for the coordination, implementation and supervision of the National Incident Management System within the Town of Cambria.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to adopt the National Incident Management System resolution as presented.**

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

**APPOINTMENT OF EMERGENCY MANAGEMENT TASK FORCE**

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved that the following individuals be appointed to the Town of Cambria Emergency Management Task Force in accordance with the provisions of the National Incident Management System (NIMS); and be it further**

**Resolved, that the named individuals will be responsible for developing Emergency Response Plans which will coordinate the various levels of incident management throughout the Town of Cambria in conjunction with Niagara County. All activities will be in accordance with the National Incident Management System (NIMS)**

**EMERGENCY MANAGEMENT TASK FORCE MEMBERS**

<b>William Amacher, Chairman</b>	<b>James Kolkmeier</b>
<b>James Huntz</b>	<b>Gerald Machajewski</b>
<b>Amel S. Jowdy, Jr., Water/Sewer Supt.</b>	<b>Jon T. MacSwan, Highway Supt.</b>
<b>Heather Blasius, Recording Secretary</b>	<b>Wright H. Ellis, Supervisor</b>

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

**BASEBALL GROUNDSPERSON POSITION**

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to appoint Savino Gonzalez, 2428 North Avenue, Niagara Falls, NY to the Groundsperson position at a salary of \$2,000.00.

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

**CONTRACT – LOCKPORT UMPIRES ASSOCIATION**

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to authorize the Town Supervisor to enter into a contract with the Lockport Umpires Association providing for compensation as follows:

**\$36 per game – Girls Fast pitch Softball  
\$38 per game – Boys Baseball**

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

**AGREEMENT TO SPEND TOWN HIGHWAY FUNDS**

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to approve the Agreement to Spend Town Highway Funds as follows:

**General Repairs – The Sum of \$275,000 may be expended for general repairs upon 31.31 miles of town highways;**

**Improvements – Topcoat of Subbera Road (Upper Mountain) and leading to Saunders Settlement Road, a distance of 1.20 miles;**

**Recycle on the road commencing at Van Dusen Road (Green Road) and leading to Plank Road, a distance of .74 miles;**

**On the road commencing at Daniels Road and leading to Wilson Town line, a distance of .78 miles.**

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

**ADDITIONAL MATTERS**

Councilman Foe stated that he is in the process of reviewing “Right to Farm” legislation to see how such legislation would fit the needs of our community. He will be presenting information to the Board at the June or July meeting.

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilwoman Kroening and seconded by Councilman Blackman. Time: 9:00 PM

Respectfully submitted,

Lou Ann Murawski  
Town Clerk

