

TOWN OF CAMBRIA TOWN BAORD

MAY 11, 2006

The Town of Cambria Town Board meeting was held at 8:00 PM on the 11th day of May 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:

Amel S. Jowdy, Water/Sewer Superintendent
Jon T. MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Edwin J. Shoemaker, Attorney
Robert Klavoon, Wendel Duchscherer
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

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved that the Minutes of April 13, 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:

Cemetery Fund	Claim 2	\$ 43.40
Drainage Fund	Claims 17 – 19	\$ 348.18
General Fund	Claims 194 – 241	\$25,696.50
Highway Fund	Claims 81 - 101	\$57,407.81
Recreation Fund	Claims 4 – 5	\$ 270.41
Refuse Fund	Claims 7 – 8	\$28,239.10
Sewer Operating Fund	Claims 33 – 40	\$ 4,166.58
Trust Agency Fund	Claim 19	\$ 88.27
Water Construction Fund	Claims 7 – 9	\$10,952.12
Water Operating Fund	Claims 71 – 89	\$36,226.19

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

Ayes: Blackman, Bush, Ellis, Foe, Kroening

-Motion Carried-

APPLICATION OF JOSEPH KAUSNER – SITE PLAN APPROVAL FOR PREMISES ZONED PD ON SOUTH SIDE OF SHENK RD

The Planning Board submitted the following letter relative to the application of Joseph Kausner for premises zoned PD on the south side of Shenk Rd.:

May 6, 2006

Re: Joseph Kausner – Recommendation concerning site plan approval for premises zoned PD on south side of Shenk Rd.

Pursuant to the Town Board's recent request, the Planning Board met with Mr. Kausner at its meeting on April 17, 2006 with respect to the above application. Said application proposes to divide the parcel into three (3) lots for three homes, with each lot containing dimensions of 105 feet in width and 200 feet in depth. 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 as presented.

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

William Amacher, Chairman

**TOWN OF CAMBRIA TOWN BOARD
MAY 11, 2006 PAGE TWO**

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to accept the recommendation of the Planning Board for the site plan approval of Joseph Kausner to divide parcel 134.00-1-1.0 Shenk Road into three lots containing approximately 105' frontage on Shenk Road.

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

CAMBRIA FAIR VILLAGE WATER LINE – SMALL CITIES GRANT

Mr. Robert Klavoon, Wendel Duchscherer, was present and updated the board relative to the bid opening of May 9th. The apparent low bidder is Mark Cerrone, Inc. at \$447, 112.00, noting that three bids contained errors in the unit prices provided by the contractor; however the errors had no effect on the rank of the bidders.

Mr. Klavoon indicated the amount of the grant from the Governor's Office for Small Cities was \$367,000 which will offset the construction costs associated with the project.

Wendel Duchscherer has reviewed the contract documents and information provided by Mark Cerrone, Inc. and, based upon their review, they recommend award of the contract to Mark Cerrone, Inc. in the amount of \$447,112.00 pending review of the Attorney and approval of the bonds and insurances.

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to accept the bid of Mark Cerrone, Inc submitted May 9, 2006. in the amount of \$447,112 for the Fair Village Waterline Improvement Construction, pending review by the Town Attorney and the Town Engineer and further to authorize the Town Supervisor to sign the contract documents.

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

PROPOSAL OF WENDEL DUCHSCHERER – CAMBRIA FAIR ILLAGE WATERLINE IMPROVEMENTS

A proposal was submitted by Wendel Duchscherer to perform engineering services during construction and resident observation services:

Engineering services during construction	\$9,500.00 lump sum
Resident Observation Services	\$21,000 - \$24,000 (Time and material basis)

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to accept the proposal of Wendel Duchscherer for engineering services as submitted in their letter dated 5/10/06 at a cost not to exceed \$33,500.00.

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

NATURE TRAIL GRANT – ARCHAEOLOGICAL PHASE I STUDY

Three proposals were received to provide an archaeological Phase I study for the Town Park Nature Trail project.:

Northeast Ecological Associates	\$5,706.19 (round up to \$5,710.00)
Commonwealth Cultural Resources, Inc.	\$6,724.00
Panamerican Consultants	\$24,766.00

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to accept the proposal submitted by Northeast Ecological Associates in the amount of \$5,710.00 to provide the Archaeological Phase I study for the Town Park nature trail project.

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

**TOWN OF CAMBRIA TOWN BOARD
MAY 11, 2006 PAGE THREE**

**PROPOSAL FROM WENDEL DUCHSCHERER – SCOPE CHANGE AUTHORIZATION
TOWN PARK NATURE TRAILS**

Proposal for Scope Change Authorization dated 4/25/06 received from Wendel Duchscherer , amending the original agreement dated October 23, 2003. Total additional fee requested under SCA No, 1 - \$5,000.00.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to authorize Scope Change Authorization No. 1 – Town Park Nature Trails in the amount of \$5,000.00.

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

COURT ROOM SECURITY

Councilman Bush indicated interviews were conducted by the Committee and two candidates were selected. The question of liability insurance coverage was raised. Supervisor Ellis indicated that he has not yet received the rider from our insurance agent.

Supervisor Ellis indicated the Board has approached the Justices for the past 2 ½ years to electronically file their monthly reports. He suggested making a deal – he will check further into getting the insurance for court room security when the Judges decide to check further into electronic filing.

Justice Jowdy indicated he would speak to Justice Peters about the matter.

WAIN-ROY BACKHOE SYSTEM

Mr. Jowdy reported that the highest bid from the auction was \$400.00. He recommended that we not accept the bid and continue to move on with the present equipment until he approaches the Board later in the year.

TRAFFIC SIGNAL AT NIAGARA COUNTY COMMUNITY COLLEGE

A letter of support was received from Niagara County Community College for the installation of a traffic control device at the campus entrance on Saunders Settlement Road.

Supervisor Ellis recommended the Town Board notify NYSDOT in support of the installation of a traffic control device at the Route 31 NCCC campus entrance.

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved that the Town Board send a letter of support to the NYSDOT for the installation of a traffic control device at the Niagara County Community College entrance on Route 31 and that copies of said letter also be forwarded to J. Gary DiLaura and Dr. James Klyczek, NCCC.

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

CONCERNS OF CITIZENS

Mr. Joseph Kausner arrived late at the meeting and inquired as to the status of his application. Supervisor Ellis advised him that the application was approved.

Mr. Howard Morgan, Recreation Committee Chairman, expressed his appreciation to Jon MacSwan, Highway Superintendent, for the work his department performed in preparing the baseball diamonds and the new storage facility for use by the Recreation department.

As President of the Cambria Volunteer Fire Company, Mr. Morgan indicated that plans are in the making for an upcoming open house/dedication ceremony on the recent acquisition of a new ambulance. He also advised the Board that the Cambria Fire Company will be hosting a Community Emergency Response Team training program which will be open to 30 residents of the area. The program runs for eight weeks from June 8th through July 29th and will cover training in areas of first responder coordination, organization, first aid. There will also be ongoing training in future years.

With regards to the status of installation of the individual house signs for residents, Mr. Morgan indicated that one of Boy Scouts has an Eagle Project request which is required to be approved prior to his working on the project. He expects the project to be underway before the end of May.

TOWN CLERK REPORTS

The Town Clerk reported as follows:

-Building Inspector's Report – April 2006 Total receipts: \$1,810.00
Total estimated value of construction cost \$636,950

-Niagara County SPCA Report April 2006 – 31 Animal Contacts

-Letter from NYS Department of Transportation relative to speed limit reduction on Diller Road from Route 31 to Lockport Rd., indicating they will establish a 45 mph speed limit.

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

-Buildings – A new roof and lighting has been installed in the Recreation storage building; the clean-up is just about complete. Work still needs to be completed in cleaning up the Water Department building.

-Drainage Ditch Petitions – The Drainage Committee presented a draft of a letter dated April 5, 2006 to be sent to applicants whose application for ditch cleaning has been denied.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the draft of the denial letter as prepared by the Drainage Committee.

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

The following Ditch Petitions were presented for approval:

- Application of Paul Otto-5313 Subbera Rd.
- Application of Charles Ellis (mowing) between 4748 & 4758 Thrall Road
- Application of Wright Ellis (mowing) east of 4251 & tributary near 4272 Thrall Road
- Application of Robert Blackman north of 4472 Thrall Road

It was indicated that the submitted applications all fall under the criteria for the clearing/cleaning of ditches established by the Drainage Committee

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

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

-Proposals for siding estimates for two buildings were received totaling \$12,000.

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved that the Highway Superintendent be authorized to accept the proposals for the siding of two buildings (Highway Dept. Building 106 and Water Dept. storage building) at a cost not to exceed \$12,000.00.

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

Paving Class Report – Mr. MacSwan reported that he and Steve Kroening attended a seminar on alternatives to paving and repair which proved to be very informative.

Diller Road – Speed limit reduction signs have been installed

CSX Railroad – The ditch cleaning project is nearly completed

SOIL REMOVAL POLICY

The following Soil Removal Policy was presented for the Board's consideration:

**SOIL REMOVAL POLICY
FOR TOWN OF CAMBRIA RIGHT OF WAY**

The average Town road in the Town of Cambria has an established right of way of 66 feet, or 33 feet from the center of the road.

In case of a dispute, this information can be found in the Town Road Dedication and also in the property owner's land survey.

The Town of Cambria reserves the right to distribute surplus soil, that is a part of our said right of way, as deemed appropriate by the Highway Superintendent and Town Board.

This policy only pertains to soil that is on the Town of Cambria right of way, and is not related to storm drainage easements or private property.

The Town of Cambria Highway Department will maintain our right of way on all Town roads when any settling of dirt, dirt erosion, or other factors depletes the condition of our easement.

Exceptions:

If the Town of Cambria approaches a land owner (tax payer) and requests that a ditch be installed on the property to restore or maintain the Town right of way, the landowner may be entitled to the soil that is removed.

Example #1: If the property of the taxpayer has not needed a ditch and it has been maintained by the landowner, (i.e. farm land) the landowner could be entitled to the soil.

Example #2: If a ditch is cleaned out along the road right of way, the soil that is removed from the ditch will only be available to the landowner whose property it was removed from. The land owner must request the soil before or at the time of excavation. Once the soil has been taken to the Town of Cambria soil storage area it will not be returned to the landowner.

When, at the request of a property owner, soil is delivered to a private individual, any damage to the property directly or indirectly is not the responsibility of the Town of Cambria. Ultimately, any dirt that is removed from the Town right of way belongs to the Town and the Highway Superintendent and the Town Board must approve exceptions of disbursement.

The Town of Cambria will not remove any soil that has been delivered to a taxpayer from the property. Any excess soil will be the responsibility of the property owner.

Any soil that is given to a property owner by the Town of Cambria is in "as is" condition. The Town of Cambria will not be responsible for removing any dirt that the property owner is not satisfied with.

If there are any questions on Town of Cambria easements of Right of Way, you may direct your questions to the Town of Cambria Highway Department.

This policy replaces any other policy regarding soil removal/disbursement that may have been created for the Town of Cambria.

WATER/SEWER SUPERINTENDENT REPORTS

The Water/Sewer Superintendent reported as follows:

Annual Water Quality Report – The report is being printed and will soon be mailed to residents.

ATTORNEY REPORTS

There were no reports presented by the Attorney.

RECREATION

It was reported that the Groundskeeper has resigned. Supervisor Ellis requested that a copy of the letter of resignation from Mr. Gonzalez be submitted to his office.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to authorize the Town Supervisor to hire a Groundskeeper upon the recommendation of the Recreation Committee.

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

RIGHT TO FARM LEGISLATION

Supervisor Ellis indicated the proposed Right to Farm legislation as prepared by Councilman Foe will be reviewed by the Attorney and is subject to the SEQRA review process.

ANNUAL STORMWATER REPORT

Supervisor Ellis indicated the draft of the annual Municipal Compliance Certification Report which sets forth the action taken to support storm water management within the Town of Cambria is on file in the office of the Town Clerk for public review.

INDUSTRIAL APPRAISAL PROPOSAL

Supervisor Ellis presented the proposal received from Industrial Appraisal to provide an appraisal for the Town of Cambria for fixed asset accounting control and insurance valuation purposes. The last on-site evaluation was conducted in 1995. Their revised proposal dated May 11, 2006, outlines the following fees:

Inventory and Appraisal Services	\$4,450.00
Annual Updating of the Fixed Asset Report	\$ 175.00
Annual Updating of Insurance Values	\$ 320.00
Record previous tags and tag equipment	
a replacement cost new of \$100.00 and Above	\$1,350.00
Provide Microsoft Excel Data File	\$ 225.00

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to accept the proposal of Industrial Appraisal to include the optional services as noted.

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

CIVIL SERVICE – ESTABLISH TWO PART TIME LABORER POSITIONS

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to establish the following positions for the Town of Cambria Highway Department:

Laborer DL P/T Truck Drive P/T

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

ADDITIONAL MATTERS

Supervisor Ellis indicated a work meeting would be held on May 15, 2006 at 12:30 PM to discuss personnel matters.

Councilman Bush mentioned the Town's upcoming Bicentennial. It was indicated members of the Bicentennial Committee will be established at the June meeting.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Blackman and seconded by Councilwoman Kroening. Time: 8:50 PM

Respectfully submitted,

Lou Ann Murawski
Town Clerk

