

**TOWN OF CAMBRIA TOWN BOARD**

**FEBRUARY 10, 2011**

The regular meeting of the Town of Cambria Town Board was held on the 10<sup>th</sup> day of February 2011 at 8:00 pm at the Town Hall 4160 Upper Mountain Road, Town of Cambria, New York

**BOARD MEMBERS PRESENT:**

Wright H. Ellis, Supervisor  
George J. Bush, Councilman  
Robert E. Blackman, Councilman  
Joseph Ohol, Councilman  
Randy M. Roberts, Councilman

**ALSO PRESENT:**

Jon T. MacSwan, Highway Superintendent  
Lou Ann Murawski, Town Clerk  
Robert Roberson, Attorney  
David Godfrey, Niagara County Legislator  
Robert Klavoon, Wendel Duchscherer  
Three 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 Ohol and seconded by Councilman Blackman, it was resolved to approve the Minutes of the Town Board meetings held on January 12, 13, 25, 2011.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts**

**-Motion Carried-**

**APPROVAL OF VOUCHERS**

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

Cemetery Fund	Claims 1 – 2	\$163.56
Drainage Fund	Claim 1	402.39
General Fund	Claims 41 – 95	112,324.88
Highway Fund	Claims 15 – 36	80,200.56
Recreation Fund	Claim 1	302.30
Trust Agency	Claim 5	440.44
Sewer Operating	Claims 5 – 10	1,416.56
Water Operating	Claims 11 – 38	9,890.76

Councilman Ohol questioned General Fund Claim #43 payable to Biznetix in the amount of \$869.50. The Town Clerk indicated this is a partial payment for their services on the conversion of the Town website.

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

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts**

**-Motion Carried-**

**APPROVAL OF ATTORNEY CONTRACTS**

Board members had an opportunity to review the 2011 contracts for attorney services presented by Gary M. Billingsley and Brandt, Roberson & Brandt.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the 2011 contracts with Attorney Gary M. Billingsley and the law firm of Brandt, Roberson & Brandt.**

**Ayes: Blackman, Bush, Ellis, Ohol**

**Nays: Roberts -Motion Carried-**

Councilman Roberts indicated he is satisfied with the services provided but is not in agreement with the cost of services submitted by Brandt, Roberson & Brandt.

**ADVERTISING FOR BIDS – 2011 HYDRAULIC EXCAVATOR**

Jon MacSwan indicated that specifications have been prepared for a 2011 Hydraulic Excavator, which was included in the 2011 budget. Bid opening has been scheduled for March 8 at 10 am.

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**Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to authorize the Town Clerk to advertise for bids on behalf of the Highway Superintendent with the bid opening to be at 10:00 am on March 8, 2011 at the office of the Town Clerk.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts**

**-Motion Carried-**

**LOCKPORT ROAD/COMSTOCK ROAD WATERLINE EXTENSION**

Robert Klavoon indicated the design plans have been completed and sent to the various review agencies, including the Niagara County Health Department and the Army Corps of Engineers. Bid opening is expected to be prior to the April meeting.

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Building Inspector's Report, January 2011 – Receipts \$825.00
- 2010 Annual Report of Building Inspector – Total Receipts: \$32,884.30
- 2010 Annual Report of Water/Sewer Districts
- 2010 Annual Report of Town Clerk – Total Receipts: \$453,795.75
- 2010 Annual Report - Mount View Cemetery – Total Receipts: \$10,350.00
- Niagara County SPCA Report, January 2011 – 20 animal contacts
- Letter from Pekin Fire Company for the addition of Scott Piper, 3084 Upper Mountain Road and removal of Carl Ortel, Effective 10/5/10; Eric Beecher, effective July 2010 and Bryan Held and Angela Held effective June 1, 2010. It was noted that the names for removal were not included on the roster which was submitted for Town Board approval in January.

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush, it was resolved to approve the addition of Scott Piper, 3084 Upper Mountain Road and the removal of Carl Ortel, Eric Beecher, Bryan Held and Angela Held as requested in letter submitted by the Pekin Fire Company.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts**

**-Motion Carried-**

**HIGHWAY SUPERINTENDENT REPORTS**

Jon MacSwan, Highway Superintendent reported as follows:

- There have been no major breakdowns and there is an adequate supply of salt;
- The Water/Sewer Districts annual report reflects a 6.88% water loss which is down from over 11% from last year. He commended Randy Shoop for his efforts in accounting for the reduction of water loss.

**ATTORNEY REPORTS**

Attorney Roberson stated that the Article 78 litigation proceeding filed by Duncan and Robin Ross has been settled by the Town to the satisfaction of all parties concerned.

**CONCERNS OF CITIZENS**

Legislator David Godfrey reported as follows:

- Re-districting – Indications are that Cambria and Wilson will be held together;
- IDA – the AES Tax break has been approved which is good for the County because they are our largest taxpayer;
- Narrow Band Radio Project – Proposals from a second vendor should be forthcoming and it should be on its way by May or June. He indicated there is \$20 million for the entire state and they have added first responders to the list for vehicle equipped radios;
- Proposed Resolution by Legislators Updegrave and Syracuse calling upon the Governor and State Legislators to enact legislation to impose a residency requirement for Medicaid expenses;
- Press Release provided to the Town Clerk for posting relating to free Cancer screening
- Air Show will be held on September 10, 2011 – the Thunderbirds will be at the show. In addition, they are attempting to reach first responders who were at Ground Zero and are working with the WNY Heroes Organization to locate individuals from the area to honor them at the Air Show.

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- Summer Camp – Cambria and Wilson complied with the requirements imposed by the Niagara County Health Department while other municipalities did not. The matter is being reviewed to ensure fairness across the board.

**PROPERTY TAX CAP RESOLUTION**

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

**WHEREAS**, towns provide services to more than eight million New Yorkers, yet account for less than 15% of the overall real property tax burden; and

**WHEREAS**, towns are uniquely dependent upon the real property tax to fund town services, more so than counties, cities and villages, in that towns do not have the authority to levy sales taxes, occupancy taxes, gross receipts taxes or income taxes; and

**WHEREAS**, non property tax revenues, e.g. mortgage recording taxes, sales taxes, and state/federal aid/grant programs (decreased substantially), are subject to market fluctuations and the ability of the federal, state and county governments to share revenue with towns; and

**WHEREAS**, the costs to provide town services and to fund town operations continue to increase in the Town of Cambria despite declining revenues, such as:

- HEALTH CARE has increased over 27% in the past two years,
- ROAD MAINTENANCE has increased 27% over the last four years, due to unprecedented increases in the cost of petroleum products,
- Consolidated Highway Improvement Program (CHIP) funding has been eliminated for 2011, representing a 24% loss of revenue in the road maintenance portion of the Town Highway Fund.
- PENSION CONTRIBUTIONS increased 75% this year and are projected to increase another 40% next year,
- ELECTION COSTS have increased substantially since the County takeover of elections, with the costs charged back to the property tax payers via their county tax bill,
- ADMINISTRATION OF THE STAR EXEMPTION that was mandated and funded initially by the State, only to have this funding completely eliminated,
- DOG LICENSING has been eliminated by the State and mandated for the Towns to implement a program, without support funding, at a cost of \$3,200.00 in 2011.
- UTILITY COSTS have increased substantially.

**WHEREAS**, many town expenses are dictated by compliance with federal and state mandates; and

**WHEREAS**, simply capping property taxes will not reduce the cost of health care, mandate compliance, pension contributions; and

**WHEREAS**, the Town of Cambria has taken the initiative to control property taxes and reduce them whenever possible;

**NOW THEREFORE BE IT RESOLVED**, that based upon Home Rule, the Town of Cambria calls upon the Governor and Members of the State Legislature to fund and/or eliminate state mandates, reform the real property tax system and address cost drivers in the provision of local government services/operations before implementing a property tax cap; and

**Be It Further**

**RESOLVED**, that in order to implement a real property tax cap which will lower property taxes while ensuring the delivery of essential services, the program **must include at a minimum:**

- Exemptions for structured costs such as pension contributions, contract obligations, reductions in state or federal aid, emergencies and costs associated with unfunded and underfunded mandates;
- Hardship relief on a case by case basis;
- Mandate relief and reform;
- A defined ceiling of four percent, with the possibility of an increased cap based upon a percentage of inflation; and
- Local override by supermajority vote of the Town Board, which is cost neutral.

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

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts -Motion Carried-**

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**PROCUREMENT FORM – SEWERLINE EXTENSION**

The procurement of materials for the Shenk Road Sewer line extension in the amount of \$1,219.25 from Lock City Supply was presented for the Board's approval.

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Roberts, it was resolved to approve the procurement of materials from Lock City Supply in the amount of \$1,219.25 for the Shenk Road sewer line extension.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts**

**-Motion Carried-**

**PROPOSAL FROM WENDEL DUCHSCHERER – PHASE 2 STORMWATER REGULATIONS**

Board members reviewed the proposal submitted by Wendel Duchscherer relating to services for Phase 2 Stormwater Regulations.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to accept the proposal of Wendel Duchscherer to provide services relating to Phase 2 Stormwater Regulations on a time and expense basis with an estimated fee of \$5,500,.00.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts**

**-Motion Carried-**

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Blackman and seconded by Councilman Ohol. Time: 8:35 pm.

Respectfully submitted,

Lou Ann Murawski  
Town Clerk