

TOWN OF CAMBRIA TOWN BOARD

FEBRUARY 12, 2009

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 12th day of February 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
Three interested individuals

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

PUBLIC HEARING – REVISED 2004 ZONING ORDINANCE

The Town Clerk read the following public hearing notice, posted on January 30, 2009:

Please take notice that the Town Board of the Town of Cambria will hold a public hearing at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132 on the 12th day of February, 2009 at 8:00 pm to hear and consider adoption of the Revised 2004 Zoning Ordinance.

A summary of the proposed revisions are:

1. To include previously adopted amendments to the 2004 Zoning Ordinance and Map:
 - a. Increase fee for driveway culvert to \$250.00;
 - b. Provide for Storm Water Management, Erosion and Sediment Control;
 - c. To add MS4-R1 area;
 - d. Revise Zoning Map to reflect prior amendments
2. To provide for training requirements for Planning and Zoning Board members, appointment of alternate members and for use of plastic pipe for culverts.
3. To reorganize and renumber as appropriate.
4. Clarify language where appropriate
5. Effective date – upon publication of Notice of Adoption by Town Board.

A copy of the proposed Revised 2004 Zoning Ordinance is on file at the Town Clerk's Office located at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York, 14132 and may be viewed during regular business hours.

All parties in interest and citizens will be heard at the Public Hearing to be held as aforesaid.

BY ORDER OF THE TOWN BOARD TOWN OF CAMBRIA

Supervisor Ellis opened the public hearing, indicating that most of the changes to the Zoning Ordinance are administrative in nature.

There was no one present desiring to be heard at the public hearing. The public hearing was closed.

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APPROVAL OF MINUTES

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the Minutes of the January 8, 2009 Town Board meeting.

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:

Cemetery Fund	Claim 1	\$ 1,674.45
Drainage Fund	Claim 1	\$ 1,250.00
General Fund	Claims 33 – 99	\$107,048.09
Highway Fund	Claims 9 – 40	\$127,814.18
Recreation Fund	Claim 6	\$ 175.00
Refuse Fund	Claim 1	\$ 29,322.24
Sewer Operating	Claims 3 – 12	\$258,572.06
Trust Agency Fund	Claims 4 – 7	\$ 285.73
Water Operating	Claims 7 – 43	\$125,307.64

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

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

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to approve payment of \$258.00 to Pekin Fire Company for reimbursement for physicals for 2008.

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

Upon a motion duly made by Councilman Blackman and seconded by Councilman Ohol, it was resolved to approve payment to Wendel Duchscherer in the amount of \$2,262.79 for 2008 invoices.

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

ZONING ORDINANCE – LEAD AGENT/NEGATIVE DECLARATION

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Ohol, it was resolved to designate the Town Board as Lead Agent for SEQRA purposes relative to the proposed Revised 2004 Zoning Ordinance.

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

Upon a motion duly made by Councilman Ohol and seconded by Councilwoman Kroening, it was resolved that a Negative Declaration under SEQRA be declared as there will be no significant impact on the environment relative to the proposed Revised 2004 Zoning Ordinance.

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

Attorney Roberson recommended the Board reserve decision on the adoption of the amendments until the referral report is received from the Niagara County Planning Board.

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ELECTRONIC MESSAGE CENTER

- ◆ Final Sketch Approval
- ◆ Waiving of Certain Insurance Requirements
- ◆ Authorize first installment payment
- ◆ Authorize Highway Superintendent to contact M. H. Thilk

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to approve the final sketch design of sign dated January 16, 2009.

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

Upon a motion duly made by Councilman Ohol and seconded by Councilman Bush, it was resolved to authorize the waiving of insurance requirements outlined in contract documents designated under Section E, Items 2 & 3 (Owner's Protective Liability Policy and Builder's Risk Policy) as recommended by the Attorney.

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

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Ohol, it was resolved to authorize the first installment payment of \$10,000 to Ulrich Signs.

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

Supervisor Ellis indicated the Highway Superintendent is scheduled to meet with M. H. Thilk Electric on Tuesday and will discuss the electrical needs for the message center at that meeting.

FEMA FLOODPLAIN MAP REVIEW

Robert Klavoon, Wendel Duchscherer, indicated they have reviewed the updated flood maps prepared by FEMA and have issued a memo to the Town Board dated January 22, 2009 outlining three recommendations. At the appropriate time, the Town Board may want to issue a letter of protest. He indicated that there is no action necessary to be taken by the Town Board at this time—the 90-day appeal period will start on the 16th of February. Wendel Duchscherer will make a recommendation to the Town Board at the March meeting.

CONCERNS OF CITIZENS

There was no one present desiring to be heard on any particular matter.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- ◆ Building Inspector's Report-January 2009 Total Receipts: \$777.50
- ◆ 2008 Annual Report of Building Inspector
- ◆ 2008 Annual Report of Town Clerk Cash Receipts
- ◆ 2008 Annual Report of Water/Sewer District
- ◆ Niagara County SPCA Report – January 2009 – Total Animal Contacts: 21
- ◆ Letters of resignation received from David Austin, Baseball Director and Pamela Fleming, Recreation Committee Member

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to accept, with regret, the resignation of David Austin and Pamela Fleming and to thank them for the service rendered to the Town of Cambria.

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

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- ◆ Cambria Volunteer Fire Company-Request to add Michael Lute and Mary Graff

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the request of the Cambria Volunteer Fire Company to include the names of Michael Lute, 5037 Carriage Lane, Lockport, NY and Mary Graff, 5005 Escarpment Drive, Lockport, NY on the roster of active members.

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

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- ◆ Meeting is scheduled with M. H. Thilk to discuss electrical requirements for the Gazebo, Message Center, and Generator. Board members are invited to attend the meeting. Wendt's Propane is also invited to the meeting as they are considering propane for servicing the generator.
- ◆ Cost of salt is \$44/ton; \$145/ton if they go over their quota. They have 800 ton left.
- ◆ Notification has been sent to 25 delinquent water customers; also, the order for additional new water meters has been received.

RECREATION COMMITTEE

- ◆ Summer Concerts - Sally Marotta-Reed indicated she has been contacted by five additional bands interested in performing at our summer concerts. She requested Board authorization to solicit sponsors to fund additional concerts. Board members expressed their approval for solicitation of sponsors for funding of the summer concerts.
- ◆ Baseball Program – Supervisor Ellis indicated representatives from the Central Niagara Baseball and Softball Association want to meet with the Town Board again to discuss Cambria teams playing with Town of Pendleton teams. He indicated he would refer the group to Joe Fournier, Recreation Committee.
- ◆ Baseball Director Appointment – Rodney Hogg, 5310 Shawnee Rd., Sanborn, NY

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to appoint Rodney Hogg, 5310 Shawnee Road, Sanborn, NY as Baseball Director.

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

- ◆ Recreation Committee Appointment – Robert Gerst, Jr., 3126 Lower Mountain Rd., Sanborn, NY

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to appoint Robert Gerst, Jr., 3126 Lower Mountain Road, Sanborn, NY as a member of the Recreation Committee to fill the unexpired term of Pamela Fleming (12/31/2011).

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

AUTHORIZE TOWN SUPERVISOR TO ATTEND TRAINING SEMINAR

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to authorize the Town Supervisor to attend the NYS Government Finance Officers Association Conference to be held in Albany, NY from April 1-3, 2009.

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

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

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

General Repairs – the sum of \$304,500 for general repairs upon 31.39 miles of town highways. Improvements – on the road commencing at Budd Road (Lower Mountain), a distance of 2.17 miles – recycle; On the road commencing at Carriage and Escarpment Subdivision and leading to Thrall Road, a distance of .61 miles – slurry; On the road commencing at Baer Road (Tennessee gas line) and leading to NYS Rte. 104, a distance of 1.27 miles – pave and shoulders.

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

TOWN HALL COPY MACHINE

Supervisor Ellis indicated the lease on the current copy machine is due to expire in March. They have obtained three proposals and are expecting a fourth proposal—action to be taken at the March meeting.

ADDITIONAL MATTERS

Councilman Ohol indicated the last budget status report he received was for the period ending the third quarter of 2008. Supervisor Ellis indicated the books for 2008 have not yet been closed. The report should be available prior to the March meeting.

Councilman Ohol questioned if the Board has reviewed or has any suggestions relative to the proposed changes to the Town Board's agenda which he presented to the Board on 12/11/08. A brief discussion followed.

Councilman Ohol indicated he picked up his mail at 1:00 pm and the agenda was not yet prepared. He questioned how soon the agenda is available to the public.

Supervisor Ellis indicated he would try to have the agenda available earlier.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilwoman Kroening and seconded by Councilman Bush. Time: 8:40 pm.

Respectfully submitted,

Lou Ann Murawski
Town Clerk

