

TOWN OF CAMBRIA TOWN BOARD

APRIL 10, 2008

The regular meeting of the Town of Cambria Town Board was held on the 10th day of April 2008 at 8:00 PM at the Town Hall, 4160 Upper Mountain Rd., 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

ALSO PRESENT:

Jon T. MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Edwin J. Shoemaker, Attorney
Robert Klavoon, Wendel Duchscherer
Eleven interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order.

APPROVAL OF MINUTES:

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved that the Minutes of the March 13, 2008 Town Board meeting be approved.

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	Claims 5-6	\$	74.50
Drainage Fund	Claim 8	\$	1,587.22
General Fund	Claims 149-199	\$	44,169.78
Highway Fund	Claims 70-89	\$	19,865.38
Refuse Fund	Claim 6-7	\$	27,882.70
Sewer Operating Fund	Claims 15-19	\$	296.45
Trust Agency Fund	Claims 14-21	\$	1604.44
Water Construction Fund	Claims 4-5	\$	7,265.00
Water Operating Fund	Claims 53-74	\$	33,003.14

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

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman it was resolved to authorize payment of \$102,911.00 to Hunter Buffalo Peterbilt for the payment of 2009 Peterbilt Model 367 to replace the truck lost in the fire. Payment approved subject to receipt of original signed invoice.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

NATIONAL DAY OF PRAYER

A letter was received from Community Bible Church, 4168 Church Road, Lockport, NY, inviting the members of the Town Board and residents to the National Day of Prayer Service to be held at their Church on May 1, 2008 at 7:00 pm.

The following Proclamation was read by Supervisor Ellis:

Whereas, in 1787 Benjamin Franklin said to George Washington as he presided over the Constitutional Convention, "I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth, that God governs in the affairs of men. And, if a sparrow cannot fall to the ground without his notice, is it possible that an empire can rise without his aid?" With these words, Mr. Franklin called upon the Convention to open each day with prayer, and from the birth of our Republic, prayer has been vital to the whole fabric of American life; and

Whereas, throughout the history of our country, prayer has been recognized by our leaders, in times of war and peace, as vital to the maintenance of a strong national character and necessary to procure the blessings of a just and benevolent God upon our government and people; and

Whereas, prayer was often referred to publicly by the men who wrote and signed our Constitution, and a Day of Prayer is one of our oldest national observances; and

Whereas, the first national Thanksgiving Proclamation was put forth by Samuel Adams as a "National Day of Humiliation, Fasting and Prayer" and was observed by Washington's army in the snowy fields of Valley Forge; and

Whereas, in 1952 the Congress resolved "that the President shall set aside and proclaim a suitable day each year, other than Sunday, as a National Day of Prayer on which the people of the United States may turn to God in prayer and meditation at churches, in groups and as individuals";

Now, therefore, the Town of Cambria Town Board hereby urges the citizens of our community to join together in the observance of the 56th National Day of Prayer with a service to be hosted by the Community Bible Church on the 1st day of May 2008, at which time prayers will be offered on behalf of all civic leaders, civic organizations, community servants and our community as a whole that, in the spirit of trust, cooperation and goodwill, we all may beseech God for the strength and wisdom to make our community an even better place in which to live.

Wright H. Ellis
Town Supervisor

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush it was resolved to approve the Proclamation for the National Day of Prayer.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

FORMER BUSINESS:

- Stormwater Management Plan Annual Report Public Information meeting will be held on Thursday, May 8, 2008 at 7:00 PM.
- Town Park Nature Trail –The grant writers are finalizing the status report for reimbursement. A meeting is scheduled for Thursday, April 17, 2008 at 3:00 PM to discuss implementation of the drainage plan and the interpretative signage for the park. Councilman Bush indicated he would invite the Park Planning Committee to attend the meeting.

AWARD OF BID – UPPER MOUNTAIN ROAD WATERLINE REPLACEMENT

Robert Klavoon, Wendel Duchscherer, indicated that C & C Contractors, 1589 Bailey Road, Cowlesville, NY 14037, submitted the low bid of \$381,597.50 for the Upper Mountain Road Waterline Replacement Project. After conducting a background check on their work and following a pre-award meeting, the Town Engineers recommend awarding the bid to C & C Contractors for both the base bid and Alternate #1. He indicated the bid amount is significantly less than what was estimated and budgeted for the project. Mr. Klavoon also indicated that he didn't believe any of the contractors that submitted bids were qualified to perform gas line installations.

Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening it was resolved to award the bid to C & C Contractors in the amount of \$381,597.50 for the base bid and Alternate No. 1, pending the Town Attorney's review and approval of the various bonds and insurances for the Upper Mountain Road Waterline Replacement project.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

Wendel Duchscherer provided a proposal for Engineering During Construction and Resident Observation Services:

The proposed fee for the Scope of work is defined as follows:

A. Gasline Design Services	\$3,500.00 Lump Sum
B. Engineering During Construction	\$12,000.00 Lump Sum
C. Resident Observation Services	Not to Exceed \$38,000.00 (Time & Material Basis)

With regards to the gasline design services, Mr. Klavoon indicated the plans and specifications are available at any time if the Town desired to pursue the matter in the future.

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol it was resolved to approve the proposal from Wendel Duchscherer for engineering services during construction and resident Observation Services for the Upper Mountain Road Waterline Replacement as outlined in their letter dated April 10, 2008.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

CONCERNS OF CITIZENS

- Mrs. Rae Amacher of the Town of Cambria Housing Authority addressed the board, thanking them for attending their meeting, touring and visiting the facility. Supervisor Ellis indicated that the lawn mowing services for the Unicorn Apartments will be provided by the Highway Department.
- Mr. Devantier addressed the board and Mr. Klavoon on the placement of the new waterline in regards to his property. Mr. Klavoon indicated he would review the plans with Mr. Devantier—with the exception of two easements, they will not be encroaching upon anyone's property.
- Michael Kroening inquired as to who the top three bidders were for the Upper Mountain Road Waterline Project.

TOWN CLERK REPORTS

- Building Inspector Report for March 2008, total receipts: \$1,287.50; Total estimated value of construction: \$591,870.00.
- Niagara County SPCA reporting 22 total animal contacts for the month of March 2008.
- Mount View Cemetery 2007 annual report - total receipts \$5,250.00. First Quarter Report for 2008 - \$2,250.00 receipts.
- The annual report of the Town of Cambria Supervisor has been filed in the Town Clerk's office and is available for public inspection.
- Pekin Fire Company submitted a request to include the name of Bryan Held, 3114 Ridge Road, on the roster of active members. Bryan is transferring his membership from the Cambria Fire Company and it is further requested that months from January 1, 2008 through March 31, 2008 count towards his service award points. Also, request to include the name of Robert Kroening, 4591 Plank Road, Lockport, NY 14094 to their roster of active firemen.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman it was resolved to include the name of Bryan Held on the roster of active firemen for the Pekin Fire Company effective April 10, 2008 with a provision for his Cambria Fire Company membership for January 1, 2008 through March 31, 2008 to go towards his service award points and to further approve the addition of Robert Kroening to the Pekin Fire Company active roster.

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

- Cambria Fire Company submitted a request to add Peter Wagner, 4297 Saunders Settlement Road, Sanborn, NY 14132 to their roster of active firemen and to remove the name of Bryan Held.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman it was resolved to approve the inclusion of Peter Wagner on the roster of active members for Cambria Fire Company and to remove the name of Bryan Held.

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

- Supervisor Ellis reported he received a letter from State Assemblywoman Francine DelMonte, indicating the Town of Cambria will be receiving a 3% increase in State Aid for a total of \$26,402.00.

HIGHWAY SUPERINTENDENT REPORTS

Highway Superintendent Jon MacSwan reported as follows:

- The chipper is out and will be going out once per week to conserve fuel.
- Clean up from plow damage is underway; if there is anyone else who needs repairs, they are asked to contact the Highway Department.
- Four culverts have already been installed this spring; An 18" culvert will be installed on Cambria Road due to flooding in the area
- Highway crews will soon be starting on the baseball diamonds.
- Baer Road Hill will be recycled starting the second week of May. Also, Highway crews will be hot patching potholes on Eagle Drive and Unicorn Drive.

WATER/SEWER DEPARTMENTS

- Request for Randall Shoop, Daniel Shoop and Jim Huntz from the Water/Sewer Departments to attend a conference in Batavia, NY on May 7, 2008.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman it was resolved to authorize Randall Shoop, Daniel Shoop and Jim Huntz to attend a conference in Batavia, NY on May 7, 2008.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

- Jon MacSwan requested the Town Board to approve Fluid Kinetics as the sole provider for purchasing the grinder pumps.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush it was resolved to designate Fluid Kinetics of Orchard Park, NY as the sole provider for grinder pumps.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

- Jon MacSwan requested authorization to purchase six grinder pumps (\$3,286.00 each) and one spare valve assembly (\$1,666.00) from Fluid Kinetics, Inc. for a total of \$21,382.00.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush it was resolved to authorize the purchase of six grinder pumps and one spare valve not to exceed \$21,382.00.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

- Councilman Blackman asked Mr. MacSwan about plum pox disease in fruit trees and how they know if they are chipping the diseased trees. Supervisor Ellis suggested calling Cornell Cooperative Extension for assistance with the matter.
- Mr. MacSwan requested approval from the Town Board to declare the following items as surplus and authorize his disposal of same:
 - Garwood winch (Army surplus)
 - Robertson Metal band Saw #032
 - Dayton Battery charger
 - "Light Power" gas generator #034
 - (2) Army Surplus air compressors – unsafe
 - (2) Bridgestone 445/65R 22.5 tires w/rims
 - Hoffco grass trimmer
 - Spectra-physics wooden tripod
 - Forney arc welder #037 & #00056
 - Homelite chainsaw w/16" bar #040
 - Window and door frame w/glass (from Town Hall remodel)
 - Wheelbarrow
 - Buck-desa sands blaster #033
 - Hydraulic pump and motor to lift
 - Jagz Dura-max blades (25) for old grader blades
 - Hydraulic hand jack #038?
 - Black and Decker drill #041
 - Safe w/wheels 6'Hx4"Wx2 1/2D (marine midland bank #27995)
 - (2) voting machines
 - (1) antique stove

Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening it was resolved to declare the above listed items as surplus and authorize the Highway Superintendent to dispose of them.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

- Court Recording Machine – Declare as surplus/advertise for bids

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush it was resolved to declare the court recording machine as surplus and to authorize the Town Clerk to dispose of it by advertising for sealed bids.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

2008 BICENTENNIAL COMMITTEE

- Bicentennial Committee Chairman Bush reported they are now meeting twice a month. Information about the celebration will be in brochures to be distributed around Town.

RECREATION COMMITTEE

- Councilwoman Kroening announced they are currently holding baseball try-outs for the Midget A and Midget B leagues.

NEW BUSINEES

- Supervisor Ellis requested the Town Board to approve a new position for Part-time Recreation Leader, indicating there is a certain ratio requirement of adult counselors to children for the Summer Recreation Program. As participation in the program has increased, the creation of this additional position is necessary.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush it was resolved to create one new Recreation Leader Part-time position for the Summer Recreation Program.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

- Justice Jowdy requested approval to attend the National Judges' Association Conference in Savannah, Georgia from June 14-20, 2008. Councilman Ohol requested that the board grant approval to Justice Peters as well, if he should also desire to attend the conference.

Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush it was resolved to authorize Justice Jowdy and Justice Peters to attend the National Judges' Association Conference to be held in Savannah, Georgia from June 14-20, 2008.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

- Supervisor Ellis requested the Board to authorize the transfer of the petty cash fund in the amount of \$100.00 from the Water Department to the Town Clerk's office

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush it was resolved to transfer the petty cash fund in the amount of \$100.00 from the Water Department to the Town Clerk's office.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

- Supervisor Ellis requested authorization to enter into a Mutual Cooperation Agreement with the Town of Niagara to use their sewer cleaner at the rate of \$300.00 per day including the operator.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman it was resolved to authorize the Town Supervisor to enter into a Mutual Cooperation Agreement with the Town of Niagara for use of their sewer cleaner at a rate of \$300.00 per day, including the operator.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

- HSBC Bank Municipal Resolutions for accounts held by Town of Cambria officials:

- Building Inspector – Clifford E. Burch
- Town Clerk – Lou Ann Murawski
- All Town of Cambria Accounts – Wright H. Ellis and George J. Bush

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman it was resolved to approve the Municipal Resolutions for HSBC Bank (resolutions on file with Town Clerk) for the Accounts listed.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol

-Motion Carried-

ADJOURNMENT

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

Respectfully submitted,

Paula N. Jones, Deputy Town Clerk II

Lou Ann Murawski, Town Clerk

