

TOWN OF CAMBRIA TOWN BOARD

August 12, 2010

The regular meeting of the Town of Cambria Town Board was held at 8:00 PM on the 12th day of August 2010 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
Joseph Ohol, Councilman
Randy M. Roberts Councilman

ALSO PRESENT:

Jon T. MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Thomas Brandt, Attorney
Randy Roeseler, Wendel Duchscherer
26 interested individuals

Following salute to the flag, Supervisor Ellis welcomed those present and opened the public hearing.

PUBLIC HEARING – LOCAL LAW NO. 1 OF 2010, “AMENDMENTS TO TOWN OF CAMBRIA FLOOD DAMAGE PREVENTION LAW”

The Town Clerk read the following public hearing notice:

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will conduct a public hearing at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York on the 12th day of August, 2010, at 8:00 PM to hear and consider the adoption of a proposed Local Law entitled,

TOWN OF CAMBRIA, LOCAL LAW NO. 1 OF 2010, “AMENDMENTS TO TOWN OF CAMBRIA FLOOD DAMAGE PREVENTION LAW”

A description of the Local Law contents:

Section 2.0 - Amend by adding a new definition

Section 3.2 - Amend by adding areas of special flood hazard effective September 17, 2010

Section 5.2-3 - Amend by adding a new paragraph 1

A copy of proposed Local Law No. 1 – 2010 is on file in the office of the Town Clerk at the above address where it is available for inspection/copying during regular office hours. All interested parties will be heard.

Randy Roeseler, Wendel Duchscherer, gave a brief overview of the FEMA process and the mandates for the Town to adopt the flood maps to allow residents to buy flood insurance. Supervisor Ellis indicated the Town of Cambria has corresponded with all of the residents affected by the flood map changes.

As there was no one present desiring to be heard on the matter, the public hearing was closed.

The regular meeting was called to order by Supervisor Ellis.

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the Minutes of July 8, 2010.

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

APPROVAL OF VOUCHERS

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

Cemetery	Claims	8-11	\$	366.60
Drainage	Claims	13-14	\$	2,537.50
General Fund	Claims	308-364	\$	54,474.44
Highway Fund	Claims	164-190	\$	32,444.29
Recreation Fund	Claims	22-40	\$	11,928.74
Refuse Fund	Claim	7	\$	31,005.18
Sewer Operating Fund	Claims	33-37	\$	176.38
Trust Agency Fund	Claims	42-44	\$	903.53
Water Operating Fund	Claims	144-175	\$	73,939.88

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

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

NATIONAL FLOOD INSURANCE PROGRAM (FEMA)

Supervisor Ellis requested a motion to declare a negative declaration under SEQR as there will be no significant impact on the environment.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to declare a negative declaration under SEQR relative to proposed Local Law No. 1, 2010.

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

Supervisor Ellis requested a motion to enact Local Law #1 for the year 2010, Amendments to Town of Cambria Flood Prevention Local Law.

Upon a motion duly made by Councilman Blackman and seconded by Councilman Ohol, it was resolved to enact Local Law #1 for the year 2010, Amendments to Town of Cambria Flood Prevention Local Law.

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

LOCAL LAW NO. 1, 2010 – AMENDMENTS TO TOWN OF CAMBRIA FLOOD PREVENTION LOCAL LAW

Local Law No. 1, 2008 shall be amended as follows:

Section 2.0 – DEFINITIONS is amended to include the following definition:

“Violation” means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

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Section 3.2 is amended as follows:

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Cambria, Community Number 360499, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Number:
36063C0182E, 36063C0185E, 36063C0194E, 36063C0195E, 36063C0201E,
36063C0202E, 36063C0203E, 36063C0204E, 36063C0206E, 36063C0207E,
36063C0208E, 36063C0209E, 36063C0211E, 36063C0212E, 36063C0213E,
36063C0214E, 36063C0218E, 36063C0219E, 36063C0220E

whose effective date is September 17, 2010, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Niagara County, New York, All Jurisdictions dated September 17, 2010 .

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood insurance Study and/or maps are on file at; Town of Cambria Town Clerk's Office, 4160 Upper Mountain Road, Sanborn, NY 14132

Section 5.2-3 Utilities - Paragraph (1) is amended as follows:

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet

above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

EFFECTIVE DATE

This local law shall take effect September 17, 2010.

Supervisor Ellis requested to authorize the Town Engineer to conduct a coordinated review.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize the Town Engineer to conduct a coordinated review.

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

NIAGARA COUNTY WATER DISTRICT - PENDLETON/CAMBRIA METER PIT

Supervisor Ellis reported the Engineer is reviewing the plans submitted by the Niagara County Water District for a joint water meter pit located on the south side of Lockport Road between Meahl Road and Aiken Road to service the Towns of Cambria and Pendleton. Once the Town Engineer has completed

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their review, the Town Board will notify the Niagara County Water District to move forward with the plans.

EAGLE SCOUT PROCLAMATION – TREVOR WENDT

Supervisor Ellis recognized Trevor Wendt on his attainment of the Eagle Scout Award and read the following Proclamation for the Board's consideration:

Whereas, the Boy Scouts of America was founded on February 8, 1910, in the United States of America; and

Whereas, in 2000, at the age of seven, Trevor Wendt joined Lewiston Pack 855 as a Bear Scout, and

Whereas, in 2004 Trevor earned the "Arrow of Light" Award and advanced to Ransomville Boy Scout Troop 821, later joining Cambria Boy Scout Troop 8; and

Whereas, Trevor has earned 49 merit badges, was accepted into the Order of the Arrow Ashakowata Lodge and has served in various leadership roles including Patrol Leader, Assistant Senior Patrol Leader and Senior Patrol Leader; and

Whereas, throughout the years, as a member of Troop 8, Trevor has advanced through the ranks and through his hard work and personal commitment has attained the rank of Eagle Scout, the highest and most prestigious rank offered by the Boy Scout Program; and

Whereas, the Scout motto is "Be Prepared", and from the day that Trevor became a Scout, he set about preparing to help other people; and

Whereas, the Scout Law sets goals and standards to live by and Trevor has demonstrated that he is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

Whereas, Trevor has exemplified leadership qualities, organizational skills and strength of character while completing his unique and highly practical Eagle Scout Project for the benefit of the Cambria Volunteer Fire Company; and

Whereas, Scouts believe it is their duty to love their country, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies; and

Whereas, character, participation and leadership are the basis of good citizenship; therefore, be it

Resolved, the Town of Cambria is proud of your achievement, advancement to the rank of Eagle Scout, and shares with you in one of the greatest occasions, not merely of your career as a Scout, but of your whole life, and honors you this day by resolution of the Town Board on August 12, 2010.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the Proclamation recognizing Trevor Wendt for his achievement of the rank of Eagle Scout.

Ayes: Blackman, Bush, Ellis, Ohol, Roberts

-Motion Carried-

Supervisor Ellis recognized Trevor and commended him for his accomplishment. Trevor's Eagle Scout project involved the pouring of 60 yards of concrete for the construction of various concrete pads for the benefit of the Cambria Volunteer Fire Company.

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TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Building Inspector's Report – July 2010 – Total Receipts: \$2,840.00
Total estimated value of construction cost: \$208,328.00
- Town Clerk Report – July 2010 – Total Receipts: \$50,732.82
- Mount View Cemetery Report – April – June 2010 – Total receipts: \$1,800.00
- Niagara County SPCA Report – June 2010 – Total animal contacts: 34
- Dog Census – Actual number of dogs counted – 1,059; number of new licenses issued since April, 2010 - 200
- Letter from Cambria Volunteer Fire Co. requesting that Aaron Slack, 5468 Comstock Road, Lockport, NY be included on the roster of active members and that Duriel Wiepert, 5312 Stone Road, Lockport Road, be removed from the roster of active members.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the request of Cambria Volunteer Fire Co. to include Aaron Slack to the roster of active members and remove the name of Duriel Wiepert.

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

- Request of Justice Amel S. Jowdy to attend the annual meeting of the NYS Magistrates' Association to be held in Callicoon, NY from September 25-29, 2010.

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to authorize Justice Amel S. Jowdy to attend the NYS Magistrates' annual meeting to be held in Callicoon, NY from September 25-29, 2010.

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

- E-mail policy – The Town Clerk indicated the e-mail policy is being finalized will be requesting Town Board action at the next Board meeting. The Clerk requested the Board to submit any recommendations/changes by next week.
- The Clerk indicated a demonstration of the new electronic voting machines will be at the Community Room on August 18th from 10 am – 2 pm and 4 pm – 7 pm. Residents are encouraged to attend the demonstration.
- From NYS Office of Real Property Tax Services – Final Equalization Rate for the 2010 Assessment Roll – 98.00

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- Work continues on the Town Park; they are hoping to get the two soccer fields finished next week

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- Road work includes chip sealing/paving of Birch Road; installation of hard shoulders on Raymond Road; Drainage work on Lower Baer Road in preparation of paving for next year

RECREATION

Councilman Roberts reported that the Recreation Committee would like the Board to consider extending the Recreation Program from six to seven weeks, which will be included in the proposed 2011 budget. Also, considering the progression of the Town Park and the additional associated responsibilities, the Recreation Committee is recommending the creation of a temporary position of Town Park and Recreation Manager to manage all park activities and employees. The Committee is checking with other towns on salary for such a position.

CONCERNS OF CITIZENS

Susan Fischer, Carriage Lane, spoke regarding several matters affecting homeowners in the Carriage Lane/Escarpment Drive area, specifically: Carriage Lane baseball diamond and the lack of mowing and replacement of benches that were removed; Abandoned duplex house on the corner of Carriage Lane/Thrall Road – the house is attracting rodents due to its condition and high grass and teenagers have been using the house for illegal activities; vacant lot on Escarpment Drive – the grass is overgrown and there is a lot of debris on the lot, including lawn tractors, mowers and the remains of a wooden pool deck.

Mrs. Fischer did note that the Carriage Lane baseball diamond was mowed today and bank representatives were viewing the abandoned house. She requested Town Board cooperation in cleaning up the area. Pictures of the area were presented to the Board.

Mr. MacSwan apologized for getting behind in the mowing and indicated he would try to keep it mowed once a week.

Supervisor Ellis explained that the Town does not have any authority to go onto private property and mow the grass. A proposed local law, which would have given the Town such authority was not adopted when presented a few months ago. Without the local law, the Town cannot do anything within a timely manner.

Councilman Ohol indicated there are provisions in NYS law that govern property maintenance. He also stated the proposed local law was defeated on the grounds of the testimony presented at the public hearing. Councilman Roberts indicated the Board might want to consider a local law with revisions. Councilman Blackman suggested the attorney research the matter further and could possibly tie in abandoned buildings.

Following a lengthy discussion on the matter, Supervisor Ellis indicated the matter would be referred to the Building Inspector/Assessor to verify owner contact information to address the issues presented. Attorney Roberson indicated the Building Inspector should check to see if the building is unsafe; but, there is no authority for the town to mow the grass.

Sheila Marzo, 5057 Escarpment Drive and David Guenther, 5074 Carriage Lane, presented their concerns on drainage issues in their area. Mrs. Marzo indicated that the Highway Department did install a drainage pipe from the guardrail to the sink hole, with the end of the pipe left sitting on top of the ground. She is concerned that the pipe sticks out of the drainage ditch and the sinkhole keeps reappearing and is not safe. Mr. MacSwan will check into the matter.

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Supervisor Ellis indicated the financial statements as of December 31, 2009 prepared by Lumsden & McCormick have been filed with the Town Clerk and are available for inspection.

LEAD AGENT DESIGNATION - APPLICATION OF FRANK PELLICANO, 4662 RIDGE ROAD, TO RE-ZONE FROM B-2 TO PLANNED UNIT DEVELOPMENT

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to declare the Town Board as Lead Agent in the matter of the application of Frank Pellicano to rezone from B-2 to Planned Unit Development the property located at 4662 Ridge Road.

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

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to refer the application of Frank Pellicano to the Planning Board for their review and recommendations.

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

NATIONAL GRID – ENERGY CONSERVATION PROGRAM

Supervisor Ellis explained National Grid is offering a program through the Small Business Energy Savings Plan for energy conservation measures at the Town Municipal Building for a lump sum payment of \$3,097.27. The Highway Superintendent recommended the Town's participation in the program. He requested authorization to enter into the agreement with National Grid.

Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to enter into an agreement with National Grid for a lump sum payment of \$3,097.27 for energy conservation measures at the Town Municipal Building.

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

PHASE II ENVIRONMENTAL SITE ASSESSMENT – FORMER LOCKPORT AIR FORCE STATION

Supervisor Ellis indicated this matter will be deferred until the September meeting.

ADDITIONAL MATTERS

- Councilman Ohol indicated he was recently toured the new visitor center located in Niagara Falls and was very impressed with the new facility.
- Supervisor Ellis indicated that the Town of Cambria has been chosen by WNY Urology Associates, Inc. as the site of a \$11.3 million facility to be located on approximately 17.9 acres located at 3832 Saunders Settlement Road, east of Route 425. The Planning and Zoning Board will be addressing issues relating to the facility at their August and September meetings.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Bush and seconded by Councilman Blackman.

Respectfully submitted,

Lou Ann Murawski, Town Clerk