

**TOWN OF CAMBRIA TOWN BOARD**

**December 10, 2009**

The regular meeting of the Town of Cambria Town Board was held at 8:00 PM on the 10<sup>th</sup> day of December 2009 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY

**BOARD MEMBERS PRESENT:**

**Wright H. Ellis, Supervisor  
Superintendent  
Robert E. Blackman, Councilman  
George J. Bush, Councilman  
Debra L. Kroening, Councilwoman  
Joseph Ohol, Councilman**

**ALSO PRESENT:**

**Jon T. MacSwan, Highway  
Lou Ann Murawski, Town Clerk  
Robert Roberson, Attorney  
Tim Walck, Wendel Duchscherer  
Four 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 Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the Minutes of November 5, 2009**

**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	Claim	16	\$ 200.00
Drainage	Claim	22	\$ 800.00
General Fund	Claims	519-588	\$77,246.40
Highway Fund	Claims	233-257	\$36,805.91
Recreation Fund	Claims	71-78	\$ 4,112.05
Refuse Fund	Claims	12-13	\$31,605.90
Sewer Operating Fund	Claims	58-64	\$ 3,874.70
Trust Agency Fund	Claims	53-61	\$ 2,292.00
Water Construction Fund	Claim	6	\$ 13.90
Water Operating Fund	Claims	226-248	\$ 19,895.42

**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 with the exception of voucher #532 of the General Fund.**

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

**APPROVAL OF ADDITIONAL VOUCHER**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve payment of voucher #532 of the General Fund in the amount of \$5,450.00 to Freiert Tree Farm under the terms of the Procurement Policy.**

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

**PUBLIC INFORMATION SESSION, REVISED STORMWATER MANAGEMENT PLAN**

Supervisor Ellis explained the Town Board is required to review and approve, on an annual basis, the Town of Cambria's Stormwater Management Plan.

Tim Walck Wendel Duchscherer, gave a brief presentation of the changes and modifications to the Town's Stormwater Management Plan as required by NYSDEC. He indicated the MS4 area within Cambria is very small, located in the area of Route 31 and Townline Road. Members of the audience were given an opportunity to be heard. A brief discussion followed.

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**REVISED STORMWATER MANAGEMENT PLAN**

Supervisor Ellis questioned if it will be necessary to revise our Subdivision Regulations and Developers' Specifications to comply with NYSDEC requirements. Mr. Walck indicated he would check into the matter but is quite certain no changes would be required.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Ohol, it was resolved to approve the revised Stormwater Management Plan.**

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

#### **PROPANE CONTRACT RENEWAL**

Supervisor Ellis indicated there is another year left on our renewal option with Wendt's propane for the Town's supply of propane. We will be required to advertise for bids next year. Propane is being offered at a price not exceeding NYS contract pricing.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to authorize the Supervisor to renew the contract for the Town's supply of propane with Wendt's Propane Gas & Oil Service for a one year period, expiring 12/31/2010.**

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

#### **WILLOW CREEK STREET LIGHTING**

Attorney Roberson reported he spoke with the attorney for Willow Creek and advised him that the Town Board would like a petition submitted prior to the January Town Board meeting.

#### **BOARD AND COMMITTEE VACANCIES**

Supervisor Ellis reported the Town is accepting applications for vacancies on the various Boards: There are openings for Alternate positions on the Zoning Board of Appeals and Planning Board and there is also an upcoming vacancy on the Recreation Committee.

Councilman Ohol questioned why alternate positions are being advertised for the Zoning Board of Appeals and Planning Board when the open position is for a five-year term as a member. Supervisor Ellis indicated he contacted the Chairman of the Boards and they indicated the alternate members were comfortable with moving up from their positions and the Chairmen were comfortable with the move, as well.

#### **TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

**Building Inspector's Report** - November 2009 – Total Receipts: \$960.00  
Total estimated value of construction cost: \$227,216.00

**Niagara County SPCA Report** - November 2009 – Total animal contacts: 21

#### **Church Road Speed Reduction Request**

- ~ The Town Clerk reported the State of New York Department of Transportation has acknowledged the receipt of the request for speed reduction on Church Road in the vicinity of St. Peter's Lutheran School. A traffic engineering study has been initiated.

#### **HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent reported as follows:

- ~ Discussed with the Town Board the purchase of a new payloader, requesting a bid opening for December 28, 2009 at 10 am.

**Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved to authorize the Town Clerk to advertise for sealed bids on**

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**a Used 2007 John Deere Payloader. Bids to be opened on December 28, 2009 at 10:00 am in the Town Clerks office.**

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

- ~ Presented the Town Board with the proposals for the backstops for the baseball diamonds, three bids were procured. Mr. MacSwan is requesting acceptance of the bid from Fox Fence in the amount of \$19,586.00.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Ohol, it was resolved to accept the proposal from Fox Fence in the amount of \$19,586.00 to install the back stops at the baseball diamonds.**

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

- ~ Supervisor Ellis indicated the funds would need to be encumbered from the 2009 Budget - General Fund to A7140.041 Town Park to cover the cost.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to encumber funds from the 2009 Budget - General Fund to A7140.041 Town Park Fund in the amount of \$19,586.00 to be applied to the cost of the backstops and installation.**

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

#### **WATER/SEWER – PURCHASE OF NEW HOLLAND BACKHOE**

- ~ Supervisor Ellis indicated a proposal has been submitted by Niagara Frontier Equipment Sales for the purchase of a New Holland B110B Turbo Charged Backhoe from NYS Contract 40601, Lot 11, Item #1 for the total price of \$68,222.00 less \$41,500.00 for trade in of 2005 New Holland LB110. The total purchase price with the trade-in is \$26,722.00.

**Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to authorize the purchase from Niagara Frontier Equipment Sales, Inc. a New Holland B110B Turbo Charged Backhoe from NYS Contract 40601, Lot 11, Item #1 for the total price of \$68,222.00 less \$41,500.00 - the total purchase price with the trade-in is \$26,722.00.**

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

**ATTORNEY REPORTS** - No reports were presented.

**CONCERNS OF THE CITIZENS** – There was no one present desiring to be heard.

#### **2009 ACCOUNTING AUDIT UNDERWAY**

- ~ Supervisor Ellis reported the financial audit is underway and Lumsden & McCormick will be returning in February 2010 to complete the audit.

#### **YEAR END CLOSE OUT OF 2009 ACCOUNTS**

- ~ Supervisor Ellis reported this is the last meeting of the year and requested authorization to encumber funds, close out 2009 accounts, pay bills and make any necessary line item transfers.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to authorize the Supervisor to encumber funds, close out 2009 accounts, pay bills and make any necessary line item transfers.**

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

#### **ASSOCIATION OF TOWNS' CONFERENCE**

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to authorize Town officials to attend the annual Association of Towns Meeting to be held in New York City February 14 – 17, 2010.**

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

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#### **RADIO READ WATER METER PROCUREMENT**

- ~ Supervisor Ellis presented the Town Board with a procurement proposal for Lock City Supply to purchase 324 transmitters, a combination of transmitters and meters, and for a program upgrade for the hand held unit. Supervisor Ellis indicated there is a \$925

upgrade fee for the program, but Lock City Supply is waiving that fee due to the purchase of 324 meters.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to accept the proposal from Lock City Supply as the sole provider for the Badger meters for the purchase price of \$67,726.82 under the terms of the Procurement Policy.**

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

#### **ADDITIONAL MATTERS**

- ~ Councilman Ohol requested that information be obtained from the three newspapers with circulation within the Town to determine the number of subscribers within the Town for each publication. He would like to have this information to share with the Board prior to the Organizational Meeting in January.

#### **RECOGNITION OF COUNCILWOMAN DEBRA L. KROENING**

Supervisor Ellis recognized Councilwoman Kroening for her four years of service as a Town Board Member and liaison to the Recreation Committee. He mentioned that, as a Board member, Debbie was very helpful in being “tuned in” to the Community, commenting on the number of people within the Town that Debbie personally knew. He expressed his appreciation to her for her support in the past four years.

Councilman Blackman commented that Councilwoman Kroening was well versed on matters which came before the Board.

As a token of appreciation for her service on the Town Board, Councilwoman Kroening was presented with a Bicentennial Sign and gift basket. She expressed her appreciation, indicating she has enjoyed serving the Town as Councilwoman.

#### **EXECUTIVE SESSION**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to enter into Executive Session for the purpose of negotiations.**

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

**There was no formal action taken during the Executive Session.**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to close the Executive Session.**

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

#### **REGULAR MEETING RE-CONVENED**

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Bush, it was resolved to re-convene the regular meeting.**

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

#### **ADJOURNMENT**

The meeting was adjourned by motion made by Councilwoman Kroening and seconded by Councilman Blackman. Time: 9:10 pm.

Respectfully submitted,

Lou Ann Murawski, Town Clerk