

**TOWN OF CAMBRIA TOWN BOARD**

**DECEMBER 13, 2007**

The regular meeting of the Town of Cambria Town Board was held at 8:00 PM on the 13<sup>th</sup> day of December 2007 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York

**BOARD MEMBERS PRESENT:**

Wright H. Ellis, Supervisor  
Robert E. Blackman, Councilman  
George J. Bush, Councilman  
Matthew P. Foe, Councilman  
Debra L. Kroening, Councilwoman

**ALSO PRESENT:**

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

Following salute to the flag, the meeting was opened by Supervisor Ellis. Board members took action upon the following matters:

**PUBLIC HEARING – AMENDMENT TO WATER ORDINANCE**

The following public hearing notice was read by the Clerk:

**PLEASE TAKE NOTICE** that the Town Board of the Town of Cambria will meet on December 13, 2007 at 8:00 pm at the Town Hall, 4160 Upper Mountain Road, Sanborn, NY 14132, to hear and consider adoption of an amendment to the Town of Cambria Water Ordinance as follows:

**Section III B Service Connections (Permanent)**

The first and second paragraphs shall be amended to read as follows:

***Taps and connections shall be one inch (1") and shall be carried full size from the water main to the meter, except that larger services will be permitted where proper application is made in writing to the Board, where need for such service is proven and where water main size is adequate. Where larger than one inch (1") is required, the owner shall pay to the Board an installation fee, in addition to those hereinafter described, which will fully compensate the district for the cost of the larger service desired.***

***Service pipe one inch (1") and smaller shall be Type K copper tubing. No underground joints will be permitted except where distances are greater than the lengths available from the manufacturer. In this case, a minimum number of joints will be permitted and these shall be of the flare or compression type only. Service pipe larger than one inch (1") shall be of material acceptable to the Town of Cambria Water foreman and in accordance with standards established by the Town of Cambria as set forth in guidelines promulgated by the American Water Works Association. All pipe shall meet all requirements for a minimum working pressure of 150 psi. All service pipe shall be laid in a trench not less than four feet (4') below the surface of the earth.***

Paragraph four shall be deleted in its entirety.

**Section III B Rates**

**Rates for meter pits shall be as follows:**

¾"	\$375.00
1"	\$450.00
Larger than 1"	- Price to be determined following filing of application.

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**Section XI – Rights Reserved by the Board**

Add the following:

6. The Town Board may, by resolution, make any changes in rates and fees as they may deem necessary without the necessity of a public hearing.

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

Supervisor Ellis opened the public hearing. As there was no one present desiring to be heard on said matter, the public hearing was closed. The regular meeting convened.

**RECOGNITION OF COUNCILMAN MATTHEW P. FOE**

This being the last Town Board meeting in which Matthew Foe will be presiding as Councilman, Supervisor Ellis expressed his appreciation to Councilman Foe for his 6 ½ years of service on the Town Board. Mr. Foe's service to the community began on March 7, 1996 when he was appointed to the Planning Board. He served on the Planning Board until April 12, 2001—he was then appointed as Councilman, filling the unexpired term of Councilman Herbert Kroening. Supervisor Ellis indicated that Matt brought a very unique perspective to the Board. He has a long term career in industry, from which he just retired, and he also been very active in the farming and agriculture community, both in the Town and in the County. While serving on the Town Board he has been involved on the Drainage Committee, the Computer Technology Committee, Union negotiations and has served as liaison to the Highway and Water Departments. Supervisor Ellis stated that Councilman Foe's input on their discussions has always been very well researched, very well thought out and very clearly articulated. He thanked him for his service to the Town of Cambria and wished him well in all his future endeavors.

Councilman Foe thanked the Board and Community for their support, indicating it has been an honor and privilege to serve the Town of Cambria. He stated that Cambria is a community in transition and he has looked at Cambria as it continues to grow and is very proud of what the Town Board has accomplished during his tenure. He realizes the many challenges in front of the future Board—he feels he is leaving the Board in very good hands and feels the community will continue to prosper.

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved that the Minutes of November 8, 2007 be approved as corrected.**

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

**APPROVAL OF VOUCHERS**

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

Construction Trust	Claim 2	\$ 4,863.16
General Fund	Claims 508 - 573	\$114,871.21
Highway Fund	Claims 200 - 216	\$ 28,610.13
Recreation Fund	Claims 56 – 60	\$ 1,305.00
Refuse Fund	Claims 18 – 19	\$ 33,690.56
Sewer Operating	Claims 60 – 65	\$ 4,010.54
Trust Agency	Claims 46 – 50	\$ 8,845.79
Water Construction Fund	Claims 9 - 11	\$ 9,908.20
Water Operating	Claims 205 –221	\$ 24,589.70

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

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

**WATER ORDINANCE AMENDMENT**

**Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to adopt the amendment to the Water Ordinance as specified in the Notice of Public Hearing with the deletion of the words, "Water Foreman" in the second paragraph.**

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

**UPPER MOUNTAIN ROAD WATERLINE**

Robert Klavoon, Wendel Duchscherer, updated the Board with regards to the project, indicating that the required Notice of Intent was submitted to NYS Department of Agriculture and Markets. The final design has been reviewed, and will be submitted to the Health Department and various agencies for their comments. Bidding of the project will be in February or March 2008.

A brief discussion ensued relative to the installation of a natural gas line at the same time the waterline is constructed. Robert Klavoon indicated that National Fuel estimated the construction cost to be approximately \$41,000 based upon similar projects. If the Board desires to move forward, there would be additional design costs. He indicated he would contact National Fuel to try to get a more accurate cost on construction.

**TOWN PARK NATURE TRAIL**

Supervisor Ellis indicated the work has been completed; the only matter pending is closing out the grant with the State.

**CELLULAR TELEPHONE USAGE POLICY**

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

WHEREAS, the Town Board has entered into a contract with a personal cellular communications company (currently Nextel) for the use of cellular phones by Department employees, and;

WHEREAS, it was the Town Board's intent that the usage of said cellular phones for town purposes would be a reliable source of communication, as well as a cost saving measure to the Town; and

WHEREAS, the Town Board finds it necessary to set forth policy for the implementation of guidelines for the usage of cellular phones provided to Town employees;

THEREFORE, BE IT RESOLVED, that the Town of Cambria does hereby adopt the following policies and procedures for the usage of cellular phones provided to Town employees:

1. Each employee shall be entitled to 200 minutes each month for Town purposes. Minutes in excess of 200 per month shall be charged to that employee who shall be personally responsible for such excessive charges and pay that amount to the Town within thirty (30) days of billing by the Town. Failure to pay such amount may result in loss of use of a Town cellular telephone and civil proceedings being brought against such employee for that excess charge.
2. Telephone calls outside of the 716 area code are prohibited.
3. Text messaging is prohibited.
4. The cellular telephones issued to the offices of the Water and Highway Departments are to allow the clerical personnel the ability to communicate directly with other departmental personnel during the work day. There is no reason for them to be taken home and it is expected that they will remain in the departmental offices at all times.
5. Use of the walkie-talkie feature whenever possible is strongly encouraged as an efficient and painless way to reduce individual charges as well as the total invoice.
6. The Highway Superintendent is exempt from the above limitation.
7. It is anticipated that the above will bring use of the cellular telephones more in line with sound business practice and the original intent of contracting for this system.

BE IT FURTHER RESOLVED that these policies and procedures shall be effective immediately.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the Cellular Telephone Usage Policy as presented.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening**

**-Motion Carried-**

**AWARD OF BID – MULTI-PURPOSE RUBBER-TIRED EXCAVATOR**

Jon MacSwan recommended acceptance of the bid in the amount of \$161,731.00, without the extended warranty.

**Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to accept the bid of Vantage Equipment for the purchase of a used Rubber-tired Multi-Purpose Excavator at the bid price of \$161,731.00.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening**

**-Motion Carried-**

**WILLOW CREEK SUBDIVISION – PIP APPROVAL**

Robert Klavoon indicated that Wendel Duchscherer, along with Town officials have inspected the completed construction of public improvements for Willow Creek Subdivision which included waterlines, storm drainage, retention pond, sanitary sewers and pavement. They recommend approval of the Willow Creek Subdivision PIP.

Supervisor Ellis indicated that easements have been submitted for acceptance: Drainage Easement, Sanitary Sewer Easement and a 10' Wide General Utility Easement and the dedication of the roadway to be known as Willow Creek Lane. All of the easements have been completed in compliance with the Public Improvement regulations of the Town.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to accept the easements and dedication of roadway to be known as Willow Creek Lane.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening**

**-Motion Carried-**

**WILLOW CREEK DRAINAGE AND CONSERVATION EASEMENT**

Supervisor Ellis explained that the Conservation Easement is the easement which was proposed in the discussions with Castleton Development, LLC to allow the Town access to the drainage area and conservation area of the property. He indicated the easement has been reviewed and found acceptable to the Highway Superintendent.

**Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to approve the Drainage and Conservation Easement with Castleton Development, LLC for the Willow Creek Subdivision as set forth in the document with the addition of the following statement: "that individual property owners will be responsible for the regular maintenance of drainage and pond areas and that this statement shall be incorporated as a deed restriction for the sale of individual properties by Castleton Development, LLC".**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening**

**-Motion Carried-**

**NYS SHARED MUNICIPAL SERVICES INCENTIVE PROGRAM GRANT**

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved that the Supervisor of the Town of Cambria is hereby authorized and directed to file a joint application with the Town of Porter and the Town of Pendleton to request funding under the New York State Department of State Shared Municipal Services Incentive Grant Program for a Volvo EC35 Compact Excavator and a Vibromax 265 Double Drum Roller.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening**

**-Motion Carried-**

**REVISED ORDINANCE FOR STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL**

Supervisor Ellis indicated the ordinance adopted at the November 8<sup>th</sup> meeting has been revised to include the following changes:

- A new paragraph under Section 2, identified as 2.1, which states, "Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharge from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02 or as amended or revised. Renumbering Sections from 2.1 to 2.6.

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- Article 2, introductory paragraph is revised to read as follows, "The Zoning Law is hereby amended to include Article XI, Section 1129, a new supplemental regulation titled Stormwater Management and Erosion & Sediment Control."
- Article 3, introductory paragraph is revised as follows, "Article 5, Sections 2 and 3 of the Subdivision Regulations of the Town of Cambria are hereby amended by adding the following to the information requirements:"
- Article 5, introductory sentence is revised as follows, "A Erosion & Sediment Control Law of the Town of Cambria is hereby adopted as follows:"
- Section 3.1 Notice of Violation. First paragraph, first word changed from "Then" to "When"
- Section 4.1, Article 2, Section 2.1 through 2.5 revised to "Article 2, Section 1"

A copy of the revised ordinance is on file in the office of the Town Clerk.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Bush, it was resolved to adopt the revised Ordinance for Stormwater Management and Erosion & Sediment Control.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening**

**-Motion Carried-**

**CONCERNS OF CITIZENS**

Rae Amacher, Chairman of the Cambria Housing Authority, indicated that the annual Unicorn Apartments Christmas party was held on December 2<sup>nd</sup> and all of the tenants attended and had an enjoyable time.

Two residents from Upper Mountain Road presented questions relative to the proposal for the installation of a gas line at the same time as the construction of the Upper Mountain Road waterline project.

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Niagara County SPCA Report for November, 2007 – 23 Animal Contacts
- Building Inspector's Report for November, 2007 – Receipts: \$1,510.00  
Total estimated value of construction: \$415,700.00
- Letter of Resignation as a member of the Zoning Board of Appeals submitted by Joseph Ohol.

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush, it was resolved that the resignation of Joseph Ohol be accepted with regret and appreciation for a job well done.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening**

**-Motion Carried-**

- Letter from NYS Office of Parks, Recreation and Historic Preservation advising that our application submitted for the Town Park Development project under the Environmental Protection Fund has not been selected for funding.

**HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent reported as follows:

- Signs have been posted at the Town Park. He indicated he may have to install a fence to prevent snowmobiles from entering. He will be closing the gate entrance this week.
- Willow Creek Subdivision – Inspections were made by the Highway Superintendent and Water foreman and everything was found to be acceptable.

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**BICENTENNIAL COMMITTEE -** Councilman Bush reported as follows:

- Map layout is being finalized for presentation to NCCC
- Town received a grant in the amount of \$1,000 to offset expenses of the concerts
- Bicentennial sweatshirts are available at a cost of \$15.00 each

**CAPITAL RESERVE ACCOUNT**

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to establish a Capital Reserve Account within the General Fund for the purpose of Town Park development.

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

**FUND TRANSFER**

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to transfer \$150,000 from General Fund Unappropriated Reserve to the Capital Reserve Account for Town Park development.

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

**YEAR-END CLOSE OUT OF ACCOUNTS**

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize the Town Supervisor to encumber funds, pay bills and make line item transfers as necessary to close out accounts for 2007.

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

**ASSOCIATION OF TOWNS MEETING**

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to authorize Town officers and officials to attend the annual Association of Towns Meeting and Training School to be held in New York City from February 17-20, 2008 and to set per diem reimbursement at \$75.00 with the submittal of supporting receipts.

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

**TRAINING SEMINARS**

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize Joseph Ohol to attend the 2008 training school for new officials to be held in Rochester, NY from January 15-17, 2008.

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

Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush, it was resolved to authorize Clifford Burch and Donald Lane to attend the Niagara Frontier Building Officials' annual conference to be held in Buffalo, NY from January 28-30, 2008.

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

**PUBLIC HEARING – LOCAL LAW NO. 1, 2007 – FLOOD DAMAGE PREVENTION**

Supervisor Ellis called a public hearing on a proposed local law relative to Flood Damage Prevention for January 10, 2008 at 8:00 PM.

**ADJOURNMENT** – As there was no further business, the meeting was adjourned by motion made by Councilman Bush and seconded by Councilman Blackman. Time: 8:50 PM.

Respectfully submitted,

Lou Ann Murawski, Town Clerk

