

TOWN OF CAMBRIA TOWN BOARD

February 11, 2010

The regular meeting of the
Town of Cambria Town Board was held
at 8:00 PM on the 11th day of February
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
Robert Roberson, Attorney
Timothy Walck, Wendel Duchscherer
Three 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 Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the Minutes of January 12, 2010.

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:

Drainage	Claims	2-3	\$	2,541.86
General Fund	Claims	29-83	\$	94,286.20
Highway Fund	Claims	14-43	\$	140,446.21
Recreation Fund	Claims	2-3	\$	1,097.98
Refuse Fund	Claim	1	\$	29,756.80
Sewer Operating Fund	Claims	6-12	\$	261,559.87
Trust Agency Fund	Claims	7-14	\$	5,953.28
Water Operating Fund	Claims	12-35	\$	78,475.57

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

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

STORMWATER MANAGEMENT PRESENTATION

Timothy Walck, Wendel Duchscherer, presented to the Town Board the findings of the Western New York Stormwater Coalition study to determine if it would be feasible to form a regional Stormwater Utility District (SUD). Mr. Walck presented several proposals and strategies for the Town Board to consider, indicating there are several legal matters that would need to be addressed, as well as the collection of fees. Mr. Walck praised the Town of Cambria for their management of Stormwater issues. He requested the Town Board's response regarding the results of the study by mid-March.

BONDING AUTHORITY FOR USED 2007 JOHN DEERE PAYLOADER

A RESOLUTION AUTHORIZING THE PURCHASE OF A 2007 JOHN DEERE 624J PAYLOADER AT AN ESTIMATED MAXIMUM COST OF \$98,100.00, AND AUTHORIZING THE ISSUANCE OF \$60,000.00 SERIAL BONDS OF SAID TOWN TO PAY A PORTION OF THE COST THEREOF.

WHEREAS, this Board previously authorized the purchase of a 2007 John Deere 624J Payloader; and

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WHEREAS, this Board wishes to authorize the financing of that equipment by the issuance of \$60,000.00 serial bonds;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cambria, Niagara County, New York, as follows:

Section 1. The Town of Cambria hereby authorizes the issuance of \$60,000.00 serial bonds, in and for the Town of Cambria, Niagara County, New York, as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$98,100.00 and the plan for the financing thereof is by the issuance of the serial bonds of said Town hereby authorized to be issued pursuant to the provisions of the Local Finance law, in the amount of \$98,100.00 and reduction of the purchase price by trading in 1999 Case 621B Loader. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Town Board.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Cambria, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. All the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are not authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in the Union Sun & Journal, the official newspaper, together with a notice of the Town Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to authorize the purchase of a 2007 John Deere 624J Payloader at an estimated maximum cost of \$98,100.00, and authorizing the issuance of \$60,000.00 serial bonds of said Town to pay a portion of the cost thereof.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

WRIGHT H. ELLIS voting AYE
ROBERT E. BLACKMAN voting AYE
GEORGE J. BUSH voting AYE
JOSEPH OHOL voting AYE
RANDY ROBERTS voting AYE

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Supervisor Ellis requested authorization to transfer \$15,100.00 from the Highway Equipment Capital fund to cover the balance of the cost of the 2007 John Deere Payloader.

Upon a motion duly made by Councilman Blackman and seconded by Councilman Ohol, it was resolved to authorize the transfer of \$15,100.00 from the Highway Equipment Capital fund to cover the balance of the cost of the 2007 John Deere Payloader.

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

WILLOW CREEK STREET LIGHTING

Supervisor Ellis indicated the Town is in receipt of a check in the amount of \$750 from the Attorney for the Developer of the Willow Creek subdivision; an amendment to the Site Plan and Approval is required.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to amend the Site Plan and Approval granted by the Town Board at its April 12, 2007 meeting as follows:

Item 3. A single street light shall be erected at the intersection of Willow Creek Lane and Shenk Road as part of the Town street lighting program in lieu of the three (3) street lights originally proposed and approved. Payment of \$750.00 by the developer to the Town to offset Town expenses will satisfy any further action by the developer.

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

Supervisor Ellis indicated a letter has been sent to National Grid requesting the installation of the street light.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- ~ Building Inspector's Report – January 2010 – Total Receipts: \$945.00
Total estimated value of construction cost: \$295,900.00
- ~ Niagara County SPCA Report – January 2010 – Total animal contacts: 25
- ~ Town Clerk Report – January 2010 – Total Receipts: \$38,976.98
- ~ Annual reports of the Water/Sewer Department and Building Inspector for the year 2009
- ~ Six concerts are scheduled for the 2010 Summer Concert series. Authorization for the Supervisor to enter into contracts is required.

Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to authorize the Supervisor to enter into contracts for the six concerts for the 2010 Summer Concert Series.

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

~ A letter from the American Diabetes Association requesting use of the Community Room and parking lot as a rest stop for cyclists for their annual "Tour de Cure" event to be held on Saturday, June 5, 2010 and to have the rental fee waived.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the use of the Community Room by the American Diabetes Association on Saturday, June 5, 2010 and to further authorize waiving the rental fee.

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

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- ~ Request from Pekin Fire Company for the removal of Edward Dysard, Penni Dysard and Courtney Dysard from the roster of active members.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to remove Edward Dysard, Penni Dysard and Courtney Dysard from the Pekin Fire Company roster of active members.

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

- ~ Request from Cambria Volunteer Fire Company for the removal of Barbara Everett and Marie Pressley from the active roster. Also, a request for the addition of Sandra Wagner and Edward Dysard to the roster of active members.

Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to remove Barbara Everett and Marie Pressley from the roster of active members and to add Sandra Wagner and Edward Dysard to the roster of active members. Approval of Edward Dysard is contingent upon receipt of the required medical certification.

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

- ~ Cambria Fire Company has submitted a letter listing their 2010 Officers.
- ~ The Town Clerk reported that she made a follow-up call to the NYSDOT regarding the request submitted for a School Zone speed limit on Church Road in the vicinity of St. Peter Lutheran School. It was indicated they intend to finish the final field measurement next week, which is required to establish the exact locations for the school zone to file with the Secretary of State. A formal decision on the matter should be forthcoming within the next two weeks.

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- ~ Requested permission to attend a "grassroots" campaign in Albany, NY on March 9-10, 2010 to lobby for funds for our local roads.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize the Highway Superintendent to participate in a "grassroots" campaign for CHIPS funding in Albany, NY on March 9-10, 2010

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

- ~ With regards to the new parking lot at Niagara County Community College, Mr. MacSwan indicated it should be completed by next Wednesday. This project was completed as part of the shared services program, with surrounding towns participating. He also commented that Niagara County Community College has been cooperative in allowing the Town use of their baseball fields, basketball courts and other services.

WATER/SEWER

- ~ Mr. MacSwan reported on active Water accounts:
2008 - 2,055
2009 - 2,082
- ~ Active Sewer accounts:
628 - An increase in 2009 of 202

ATTORNEY REPORTS - No reports were presented.

CONCERNS OF THE CITIZENS - No one desired to be heard.

GENERATOR INSTALLATION EXTENDED WARRANTY

Supervisor Ellis reported this matter will be tabled until more definitive information is received.

NIAGARA COUNTY DEPARTMENT OF PUBLIC WORKS BID CONTRACTS FOR 2010

Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush, it was resolved to approve the use of Niagara County Department of Public Works Bid Contracts for the period from April 15, 2010 through April 14, 2011, following the procedures as set forth in the Town of Cambria Procurement Policy.

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

PROCUREMENT OF POWER - DRIVEN POST HOLE POUNDER

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to approve the procurement of a Power – Driven Post Hole Pounder in the amount of \$4,670.00 (Vendor: Skidril Industries, Greensboro, NC).

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

RECREATION COMMITTEE CHAIRPERSON APPOINTMENT

The Recreation Committee has submitted a letter of recommendation that Tamara J. Cooper be appointed as their chairperson.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to approve the appointment of Tamara J. Cooper as Recreation Committee Chairperson, term to expire 12/31/2010.

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

RECREATION COMMITTEE APPOINTMENT

Lawrence D. Amacher, Jr. has submitted a letter of interest for appointment to the vacant seat on the Recreation Committee.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Bush, it was resolved to appoint Lawrence D. Amacher, Jr. as a member of the Recreation Committee, term to expire 12/31/2014.

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

PARK PLANNING COMMITTEE APPOINTMENT

Councilman Bush recommended that Mark Printup, 3922 Upper Mountain Road, be appointed as a member of the Park Planning Committee.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to appoint Mark Printup, 3922 Upper Mountain Road, to the Park Planning Committee.

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

DOG LICENSE FEE INCREASE

The Town Clerk has recommended the Town Board consider an increase in the local fee for dog licenses. She indicated that not enough money has been generated with the current fees to cover the cost of dog control. The last increase was in 2004.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the increase in the local dog license fees by \$3.00, raising the local fee to \$7.50 for spayed/unspayed and neutered/unneutered dogs and increasing the local fee to \$20.00 for purebred licenses effective 4/1/2010. Resulting license fees would be as follows: Unspayed/unneutered dogs -\$18.00; Spayed/neutered dogs - \$10.00; Purebred licenses -up to ten dogs - \$45.00; up to 25 dogs - \$70.00.

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

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CAMBRIA AND PEKIN VOLUNTEER FIRE COMPANY ROSTER APPROVAL

Supervisor Ellis indicated the 2010 rosters of active members for the Cambria Volunteer Fire Company and Pekin Fire Company have been filed with the Town Clerk.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to approve the Cambria Volunteer Fire Company and Pekin Fire Company Rosters for 2010.

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

ADDITIONAL MATTERS

Councilman Ohol reported he recently attended a meeting relative to the Ag District in Niagara County where the recommendations of the Niagara County Agricultural and Farmland Protection Board relative to the district were considered. He indicated the meeting was presented well and was also well attended.

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Ohol and seconded by Councilman Blackman. Time: 9:07 PM.

Respectfully submitted,

Lou Ann Murawski, Town Clerk

Paula N. Jones, Deputy Town Clerk II