

TOWN OF CAMBRIA TOWN BOARD

FEBRUARY 8, 2007

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on February 8, 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
Robert Klavoon, Wendel Duchscherer
Bill Wolcott, Union Sun & Journal
Seven 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 Blackman and seconded by Councilman Bush, it was resolved to approve the Minutes of the January 11, 2007 Town Board meeting.

Ayes: Blackman, Bush, Ellis, Foe, McCollum -Motion Carried-

APPROVAL OF VOUCHERS

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

Cemetery Fund	Claim 1	\$ 62.00
Drainage Fund	Claims 2 – 3	\$ 3,465.00
General Fund	Claims 28 – 81	\$85,319.98
Highway Fund	Claims 10 – 31	\$73,594.33
Recreation Fund	Claim 1	\$ 175.00
Refuse Fund	Claim 3	\$ 183.83
Sewer Operating	Claims 3 – 6	\$ 287.13
Trust Agency Fund	Claim 2	\$ 216.39
Water Operating	Claims 9 – 28	\$10,734.70

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

Ayes: Blackman, Bush, Ellis, Foe, McCollum -Motion Carried-

ONE TON TRUCK CHASSIS AND DUMP BOX

Mr. MacSwan recommended the bid award to Bison Truck Center for a 2007 Ford F-550 in the amount of \$42,305.00.

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to accept the bid of Bison Truck Center in the amount of \$42,305.00 for the purchase of a 2007 Ford F-550.

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

AUTOMATIC METER READING SYSTEM/METER PURCHASE

Robert Klavoon, Wendel Duchscherer, indicated one bid was received from Lock City Supply. The base bid of \$36,675.00 was submitted for the Meter Reading System, related equipment and training and a bid of \$30,462.00 was submitted for the furnishing of 200 water meters (\$152.31 each). It is their recommendation the bid be awarded to Lock City Supply.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to award the bid to Lock City Supply for the purchase of

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Automatic Meter Reading System and furnishing of water meters , base bid of \$36,675.00 and bid of \$30,462.00 for Alternate No. 1, furnishing of 200 water meters; total bid award \$67,137.00.

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

WATER METER POLICY

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to amend the water meter policy as follows:

All new water customers will be charged the cost of new water meter service.

Replacement or conversion of existing water meters will be charged as follows:

- ¾" Water Meters: Customer will pay \$50 which will be invoiced at \$10 per quarter for five (5) quarters**
- Larger than ¾" Water Meters: Customer will pay \$100, which will be invoiced at \$20 per quarter for five (5) quarters**

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

NATURE TRAIL GRANT

Supervisor Ellis indicated the preliminary set of plans were submitted to NYSDEC Region 9 Office on February 2nd. He suggested that Jon MacSwan and George Bush review the plans and address any concerns to Daryl Jones, Wendel Duchscherer.

WILLOW CREEK SUBDIVISION

Supervisor Ellis indicated he is in receipt of a letter from Greenman-Pedersen, Inc. on behalf of Castleton Development, LLC, in which they would like to withdraw from the current 58-lot subdivision plan previously submitted.

A representative from Greenman-Pedersen, Inc., was present and explained the necessity of reducing the number of lots from 58 to 24, due to the flood plain area along the stream of Bergholtz Creek. The entrance to the subdivision would remain the same, off of Sherk Road.

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

WHEREAS, the Town Planning Board had previously reviewed a Planned Development application by Castleton Development, LLC for Willow Creek Patio Homes, hereinafter referred to as Willow Creek; and

WHEREAS, that review concluded that the project was subject to SEQRA and the Town Board declared as lead agent; and

WHEREAS, during that review Willow Creek developers determined that significant revisions would be required from the original site plan; and

WHEREAS, Castleton Development, LLC has withdrawn their original application and SEQRA EAF and has filed a new application under Planned Development and EAF reducing the number of proposed lots from 58 to 24.

NOW, THEREFORE, it is RESOLVED as follows:

1. That the Town Board refer the new application to the Town Planning Board for review and recommendation back to the Town Board
2. That the Town Board declare as lead agent under SEQRA relating to the revised Willow Creek EAF; and
3. That the new application includes a model home fronting on Saunders Settlement Road, which may be addressed separately from the balance of the site plan and submitted by the Planning Board to the Town Board on an expedited basis for early review.

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to approve the aforesaid resolution.

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

DILLER/LOCKPORT ROAD INTERSECTION

With regards to the intersection of Diller and Lockport Road, Mr. MacSwan indicated that three towns would be involved if a request for a speed limit reduction is submitted. He indicated the Town of Wheatfield's section of Lockport Road would be from house numbers 3828 through 4522; Town of Pendleton from 4084 through 4313 and Cambria from 4021 through 4319. He indicated he has spoken with representatives from both towns and they are willing to submit the required TE9a forms.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to authorize the Town Clerk to file the required TE9a form, requesting the establishment of a lower maximum speed at which vehicles may proceed on that portion of Lockport Road between house numbers 4021 and 4319.

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

ANNUAL AUDIT

Supervisor Ellis indicated the annual financial audit is in progress, being conducted by Lumsden & McCormick.

CONCERNS OF CITIZENS

There was no one present desiring to be heard on any particular matter.

TOWN CLERK REPORTS

The Town Clerk reported as follows:

- Niagara County SPCA Report, January 2007 - 26 Animal Contacts
- Building Inspector's Report, January 2007 – Total Receipts: \$402.50
Total estimated value of construction: \$61,600.00

PEKIN FIRE COMPANY – ADDITION OF MEMBERS

A letter was received from Pekin Fire Co., Inc., requesting that the following names be included on the roster of active members:

Matthew Dysard, 4259 Ridge Rd., Lockport, NY
Kevin Pearson, Jr., 2965 Old Pekin Rd., Sanborn, NY

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved that the names of Matthew Dysard and Kevin Pearson be included on the roster of active members, pending receipt of the required medical forms.

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

ATTENDANCE AT NYS ARCHIVES WORKSHOP

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to authorize the Town Clerk to attend a NYS Archives workshop to be held on February 28th at the Amherst Town Hall in Williamsville, NY.

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

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- Electrical Safety Awareness Class—Four employees attended the recently offered class
- Request authorization to bid ½ ton Pickup Truck with bid opening on 2/23/07

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved that the Town Clerk be authorized to advertise for bids for a 2007 or 2008 ½ ton Pick Up truck for the Water Department.

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

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ATTORNEY REPORTS

There were no reports presented by the Attorney.

BICENTENNIAL COMMITTEE

Councilman Bush indicated plans are underway to have a Bicentennial event to be held the last weekend in July 2008 on the campus of Niagara County Community College, which will include a parade, artisan demonstrations and participation by community organizations. The Cambria Historical Society will be publishing a calendar and commemorative plates, baseball hats/t-shirts will also be available for sale. He indicated information would be published in the upcoming spring newsletter.

PURCHASE OF TOWN LOGO FLAGS

Supervisor Ellis indicated that Old Glory Flag and Banner Co. has submitted a proposal for supplying Town of Cambria logo flags. Costs range from \$234.80 for the purchase of one flag and the cost is reduced to \$86.68 each if a minimum quantity of twelve is purchased.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to authorize the purchase of twelve flags with the Town of Cambria logo from Old Glory Flag and Banner Co. at a total cost of \$1,040.16.

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

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

The following Agreement to Spend Town Highway Funds was submitted for the Board's approval:

The sum of \$295,000 may be expended for general repairs upon 31.99 miles of town highways;

The following sums shall be set aside to be expended for the improvement of town highways on the road commencing at Cambria Road (Rte.31) and leading to Upper Mountain Rd, a distance of 1.29 miles – topcoat and shoulder work;

On the road commencing at Van Dusen Road (Green Rd.) and leading to Plank Rd., a distance of .74 miles – topcoat;

On the road commencing at Randolph & Heffren Subdivision, a distance of .25 miles – Topcoat.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the Agreement to Spend Town Highway Funds.

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

ENGINEERING PROPOSAL – PHASE II STORMWATER REGULATIONS

Supervisor Ellis indicated that Wendel Duchscherer has submitted a proposal for services related to the Stormwater Program. Their fee would be on a time and expense basis, not to exceed \$18,500 with \$6,300 estimated to be reimbursed to the Town through a grant obtained by the Western New York Stormwater Coalition.

Upon a motion duly made by Councilman Foe and seconded by Councilman Bush, it was resolved to accept the proposal submitted by Wendel Duchscherer as outlined in their letter dated February 1, 2007.

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

CODE ENFORCEMENT OFFICERS TRAINING

Upon a motion duly made by Councilman Bush and seconded by Councilman Foe, it was resolved to authorize Clifford Burch and Donald Lane to attend Code Enforcement Officer training to be held March 15th at the Erie Co. Fire Training Center.

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

NYS DEPARTMENT OF STATE TRAINING

Supervisor Ellis indicated that the NYS Department of State will be holding a training session in Erie County on March 1. The session will count towards the four-hour annual training requirement that is required to be completed by Planning and Zoning Board of Appeals members.

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to authorize the members of the Planning Board and Zoning Board of Appeals and Building Inspector/Code Enforcement Officer to attend the training sessions.

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

APPOINTMENT OF BASEBALL GROUNDSKEEPER

Supervisor Ellis indicated the Recreation Committee has recommended the appointment of Josh Austin, Comstock Road, as Groundskeeper for the 2007 Baseball season.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to appoint Josh Austin, Comstock Road, as Groundskeeper for the 2007 Baseball season.

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

RESOLUTION IN SUPPORT OF THE PERMANENT RETURN OF THE 70 MEGAWATTS OF NIAGARA POWER PROJECT REPLACEMENT POWER (RP) TO THE AREA WITHIN THE 30-MILE RADIUS OF THE NIAGARA POWER PROJECT

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

WHEREAS, Niagara County is home to a key regional asset, the New York Power Authority's Niagara Power Project, consisting of the Robert Moses Power Plant, the Lewiston Pump Generating Plant and adjacent reservoir and right-of-ways occupying well over 3,000 acres of prime land that is not on any municipal tax rolls, and

WHEREAS, the Niagara Redevelopment Act, enacted by Congress in 1957, required the sale of 445 Megawatts of Niagara Power Project power to industries that formerly relied on low-cost power from Schoellkopf Hydroelectric Plant which was destroyed by a rockslide in 1956; and

WHEREAS, the criteria for allocation of the Niagara Power Project's Replacement Power (RP) and Expansion Power (EP) has been in place since the 1960's, and is extremely outdated and geared specifically toward manufacturing companies, which today rely on lean manufacturing practices to remain competitive in a rapidly growing global economy, and

WHEREAS, the Power for Jobs Program is the only New York State power program that can be used for business retention purposes, and

WHEREAS, our effort to spur on good sustainable economic development by helping to create an environment in the private sector that will lead to capital investment and the creation of good paying jobs for our citizens has been a challenging and highly competitive mission, but one that we are prepared to meet, and

WHEREAS, low-cost power from the Niagara Power Project is a key economic development tool used by our economic development professionals in their effort to attract or retain companies by keeping their cost of doing business competitive;

NOW, THEREFORE, be it

RESOLVED, that the Town of Cambria supports the immediate and permanent return of the 70 Megawatts of Replacement Power, made available state-wide as the result of a December 2005 amendment to the Public Authorities Law, to the area within the 30-mile radius of the Niagara Power Project, which was the intent of Congress, and enacted into federal statute in 1957; and be it further,

RESOLVED, that the Town of Cambria supports making more flexible, the criteria for allocation of low-cost hydropower to reflect the 21st Century realities and economy by providing that capital investment and not " jobs" be the key value point for eligibility; and be it further

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RESOLVED, that the Town of Cambria supports the expansion and extension of the Power for Jobs Program; and be it further

RESOLVED, that a copy of this resolution be forwarded to New York State Governor Eliot Spitzer, New York State Senator George Maziarz, New York State Senator Marc A. Coppola, New York State Assemblywoman Francine DelMonte, New York State Assemblyman Stephen Hawley, New York State Assemblyman Robin Schimminger, New York State Assemblyman Jim Hayes, New York State Assemblyman Michel Cole, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph L. Bruno, New York State Senator Jim Wright, Chairman, Senate Standing Committee on Energy and Telecommunications and Committee Members, New York State Assemblyman Paul D. Tonko, Chairman, Assembly Energy Committee and Committee Members

Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved that the aforementioned resolution be adopted.

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

ADDITIONAL MATTERS

Councilman Blackman reported that work is nearly completed on the subdivision regulations. Copies should be forthcoming by the end of the month.

Councilman Bush indicated that memos should be prepared relative to limiting cell phone minutes and also on the mileage submitted by those employees who have not been using the town vehicle.

Supervisor Ellis commented with regards to the proposal by HSBC Technology & Services Project to construct a 275,000 sq. ft. processing facility on Lockport Road. He indicated no plans have yet been submitted to the Town; they are still working on the financing of the project and the PILOT proposal before the Niagara County Industrial Development Agency. He indicated the proposed complex fits in well with the Town's comprehensive plan as the north side of the road was re-zoned B-2 approximately 1,000 feet in depth. He explained the PILOT proposal.

Supervisor Ellis indicated the Town has been advised that the Niagara County Industrial Development Agency will be conducting a public hearing on March 13th at 4:30 pm at the Town Hall.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilwoman Kroening and seconded by Councilman Foe. Time: 9:00 pm.

Respectfully submitted,

Lou Ann Murawski
Town Clerk

