

TOWN OF CAMBRIA TOWN BOARD

JULY 12, 2007

The regular meeting of the Town of Cambria Town Board was held on July 12, 2007 at 8:00 PM 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:

Steven Kroening, Highway Foreman
Lou Ann Murawski, Town Clerk
Edwin Shoemaker, Attorney
Robert Klavoon, Wendel Duchsherer
Bill Wolcott, Union Sun & Journal
Five interested individuals

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

APPROVAL OF MINUTES

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved that the Minutes of the June 14, 2007 Town Board meeting be approved as presented.

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:

Drainage Fund	Claims 13 – 17	\$ 1,627.31
General Fund	Claim 244, 292-334	\$46,501.02
Highway Fund	Claims 142 – 157	\$57,262.12
Recreation Fund	Claims 10 – 23	\$ 3,065.14
Refuse Fund	Claims 12 – 13	\$31,793.68
Sewer Construction	Claim 1	\$ 3,242.58
Sewer Operating	Claims 33 – 40	\$ 2,330.58
Trust Agency Fund	Claims 29 – 32	\$ 821.49
Water Construction	Claim 2	\$20,004.99
Water Operating	Claims 120 –136	\$12,441.69

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved that the vouchers be paid as presented.

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

TOWN PARK – NATURE TRAIL SCOPE CHANGE AUTHORIZATION

Proposal was presented from Wendel Duchsherer dated July 10, 2007 for Scope Change Authorization No.4 – Additional Services relating to Survey Stakeout, Services During Construction and Grant Closeout. Additional fee proposed \$12,825.00.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve Scope Change Authorization No. 4 dated July 10, 2007 in the amount of \$12,825.00.

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

TOWN PARK NATURE TRAIL – NOTICE TO PROCEED – NFP & SONS, INC.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to authorize Wendel Duchscherer to issue a “Notice to Proceed” to NFP & Sons, Inc. for the Town of Cambria Nature Trails, subject to review and approval of contract agreements, bonds and insurance by the Town Attorney.

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

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Supervisor Ellis indicated that a formal groundbreaking at the park will be scheduled within the next three weeks. He also stated that a second grant in the amount of \$247,000 has been applied for to install baseball diamonds and trees. Plans include completing the drainage at the site in 2008, which work will be done by town personnel.

CAMBRIA FAIR VILLAGE WATERLINE PROJECT – CHANGE ORDER/FINAL PAYMENT

Change Order No. 5 resulting in a net deduction of \$7,232.79 was presented for the Board's consideration.

Upon a motion duly made by Councilman Bush and seconded by Councilman Foe, it was resolved to approve Change Order No. 5, a deduction of \$7,232.79, total contract price \$487,279.21.

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

Payment Application No. 5 (Final) in the amount of \$20,004.99.

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to approve the final payment application to Mark Cerrone, Inc. in the amount of \$20,004.99.

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

CONCERNS OF CITIZENS

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

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following communications:

- Letter from Senator Maziarz indicating his support of Senate Bill 5862 relating to the siting of hazardous waste disposal facilities—the legislation was approved by the State Senate on June 20, 2007
- June Report from Niagara County SPCA – 35 animal contacts
- Letter from Frank Scarfone, 4229 Cambria-Wilson Road, requesting authorization to have the USA Band perform at his residence on July 28th from 6 – 10 pm.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to grant permission to Frank Scarfone for a live band to perform at his residence on July 28th.

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

- Letter from Pekin Fire Company, requesting that the name of Chris Clay, 2932 Upper Mountain Road, Sanborn, NY be included on the roster of active members of Pekin Fire Company.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to include the name of Chris Clay, 2932 Upper Mountain Road, on the roster of active members of Pekin Fire Company.

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

HIGHWAY DEPARTMENT REPORTS

The Highway Department Foreman reported as follows:

- Work on the Town Park is scheduled to begin on July 16th – Residents have been notified to take extra precaution due to the truck and heavy equipment traffic on Upper Mountain Road in the vicinity of the Town Park entrance road

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- First mowing of ditch on Route 429 has been completed – two cuts are done-one in July and the second in September
- Water break on Cambria Road – some minor damage at one residence
- Andrews Road drainage project (leveling of dirt) is being completed
- Diller Road has been chip sealed
- Sewer grinder pump pricing is being researched – recent quote is considerably higher than what is charged for pump and service

WATER ORDINANCE AMENDMENT

The following proposed amendment was presented:

Section III, Subpart B – Permanent Service Connection

- Water Taps ¾" \$ 700
 1" \$ 800
 1 ½" \$ 900
 2" \$1,100

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to amend the rates for Water Taps as proposed.

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

ATTORNEY REPORTS

There were no reports presented.

BICENTENNIAL COMMITTEE REPORT

Councilman Bush indicated the Committee meets monthly. We recently acquired a larger map of NCCC to layout the areas for vendors at the 2008 July weekend event. T-shirts will be available for sale at Sunday's concert. The Historical Society will be publishing a 2008 calendar and will be sending out letters to businesses interested in advertising.

RECREATION

Sally Marotta-Reed, Day Program Director, indicated there are a total of 231 children registered – 198 at the Cambria site and 33 at the Pekin site. On a daily average, there are 20 participating at the Pekin site and 95 at the Cambria site. There are a lot of field trips and activities planned; Board members are invited to stop by at either site to observe, talk to workers, etc. She also indicated that out of 198 registered at the Cambria site, only 25 registered were from outside our District.

Mrs. Reed noted there is a lack of mulch on the playgrounds at the sites – checking into type of mulch (must be NYS sanitized mulch).

Supervisor Ellis indicated a survey was conducted a few years ago of adjoining towns which revealed that, due to the divided school districts, there are several children from Cambria participating in programs at other towns.

PROPOSED LOCAL LAW REGULATING GROWTH OF GRASS AND NOXIOUS WEEDS

Supervisor Ellis indicated the Building Inspector has requested the Board to consider legislation which would offer a remedy to clear vacant lots or abandoned properties of overgrown weeds.

As there were changes proposed to the draft local law, a public hearing was not scheduled.

UPPER MOUNTAIN ROAD WATERLINE REPLACEMENT

Supervisor Ellis indicated the waterline between Cambria Road and Shawnee Road is one of the oldest sections in the Town. He requested the Board to authorize the Town Engineer to prepare a proposal for engineering work and the 202(b) public hearing, preparation of bid documents.

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to authorize Wendel Duchscherer to prepare a proposal for all engineering work relating to the Upper Mountain Road Waterline replacement project including the preparation of the map, plan and report for the Article 202(b) public hearing, preparation of bid/contract documents and conduct of the bidding process.

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

SEWER ORDINANCE AMENDMENT – PUBLIC HEARING SCHEDULED

Supervisor Ellis indicated that a public hearing will be scheduled for August 9th at 8:00 pm to consider an amendment to the Sewer Ordinance relating to Fees for Grinder Sewers and to further add a provision authorizing the Town Board, by resolution, to make any changes in the rates and fees as they may determine to be in the best interests of the Town of Cambria without the necessity of amending the Sewer Ordinance.

TRAINING CONFERENCES AUTHORIZED

Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved to authorize the following Town officials to attend training sessions as noted:

- **Justice Henry Peters – State Judges’ meeting, Potsdam, NY on July 23, 24, 2007**
- **Justice Amel Jowdy – State Judges’ meeting Potsdam, NY on July 23, 24, 2007 and Tarrytown, NY on September 30 – October 3, 2007**
- **William Amacher and John Phillips – Planning and Zoning Summer Schools at Geneseo, NY on July 26th**

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

AMERICAN REF-FUEL COVANTA NIAGARA DISPOSAL AGREEMENT

Upon a motion duly made by Councilman Blackman, and seconded by Councilman Bush, it was resolved to authorize the Supervisor to forward a letter to Covanta Niagara, advising them that the Town of Cambria elects to cancel its Agreement with Occidental, American Ref-Fuel, Covanta Niagara LP, as of the expiration of its contract with Covanta on November 16, 2008 relating to the Solid Waste Disposal Agreement originally dated January 1, 1991.

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

ANNUAL FINANCIAL STATEMENT – LUMSDEN & MC CORMICK

Supervisor Ellis indicated the annual Financial Statement for the period ending December 31, 2006, as prepared by Lumsden & McCormick, LLP, Certified Public Accountants, has been filed.

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to acknowledge receipt and filing of the audit of Town of Cambria financial statements for the period ending December 31, 2006 as conducted by Lumsden & McCormick, LLP, Certified Public Accountants, which audit included the examination of the Justice Court records.

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

ADDITIONAL MATTERS

Councilman Bush indicated this upcoming weekend is the annual yard sale event—there are 120 residents registered. The Gazebo concert is scheduled for Sunday from 6 – 8 pm.

EXECUTIVE SESSION

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to enter Executive session to discuss union negotiations and personnel matters.

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

REGULAR MEETING RE-CONVENED

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to authorize the Town Attorney to respond, accepting the negotiation offered by the Teamsters Local 264, as outlined in letter drafted by Thomas Brandt, Attorney, dated June 20, 2007.

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

ADJOURNMENT

As there was no further business, the meeting was adjourned. Time: 9:30 PM.

Respectfully submitted,

Lou Ann Murawski
Town Clerk