

TOWN OF CAMBRIA TOWN BOARD

JUNE 14, 2007

The regular meeting of the Town of Cambria Town Board was held at 8:00 PM on the 14th day of June 2007 at the Town Hall, 4160 Upper Mountain Rd., 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
Two interested individuals

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

The following Proclamation, approved by motion made by Councilman Foe and seconded by Councilman Bush, was presented to Thomas Sarkovics.

PROCLAMATION

Whereas, Thomas J. Sarkovics has most notably served the Starpoint Central School District in a variety of teaching and coaching positions during his remarkable thirty-six year career, including many winning seasons with Boys Varsity Baseball teams and Boys' and Girls' Junior Varsity Basketball teams; and

Whereas, throughout his career, "Coach Sark," has provided young people with the opportunity to not only enjoy the sports of baseball and basketball, but to also learn and practice the basic ideals of fair play and good sportsmanship, thereby contributing to the positive development of our most valuable assets – our youth; and

Whereas, Tom Sarkovics has, through his dedication and commitment to our youth, touched the lives of many outstanding student-athletes and has proven to be a source of admiration and inspiration to the citizens of our community; and

Whereas, Tom Sarkovics has had a significant positive influence in channeling the energies and enthusiasm of so many of our youth into healthy activities, teaching sportsmanship as well as the competitive will to win, and furthering physical fitness and well-being through wholesome association with others in organized sports; and

Whereas, on June 9, 2007, Starpoint Central School District recognized Thomas J. Sarkovics' outstanding educational career with the dedication of the Thomas J. Sarkovics Baseball Field in his honor;

Now, therefore, be it

Resolved, the Town of Cambria is proud of your distinguished record of service to our community and our youth and honors you this day by resolution of the Town Board on June 14, 2007.

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Wright H. Ellis, Supervisor

Ayes: Blackman, Bush, Ellis, Foe, Kroening

-Motion Carried-

Mr. Sarkovics expressed his appreciation to the Town Board and commented that, throughout the years, he has seen several outstanding student-athletes from the Town of Cambria. He also commended the Town Board for their efforts in pursuing the Town Park project.

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to approve the Minutes of May 10, 2007.

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:

Cemetery Fund	Claims 3 – 5	\$ 696.96
Drainage Fund	Claims 10 –12	\$ 2,032.33
General Fund	Claims 226 – 291	\$59,750.75
Highway Fund	Claims 112 – 141	\$62,598.35
Recreation Fund	Claims 3 – 9	\$ 2,930.09
Refuse Fund	Claims 10 –11	\$27,580.33
Sewer Operating	Claims 28 – 32	\$ 394.10
Trust Agency	Claims 27 – 28	\$ 432.78
Water Operating	Claims 93 – 119	\$46,246.00

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to approve the vouchers as submitted with the exception of General Fund Claim #244 payable to FTR Limited in the amount of \$856.38.

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

TOWN PARK NATURE TRAIL – PHASE I, CONTRACT 07-01

Supervisor Ellis indicated the recommendation is to award the bid for Phase I – Town Park Nature Trails, Contract No. 07-01 to the low bidder, NFP and Sons, Inc. in the amount of \$188,665.66.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to award the bid for Contract No. 07-01, Phase I – Town Park Nature Trails to the low bidder, NFP and Sons, Inc. 7311 Ward Rd., N. Tonawanda, NY, in the amount of \$188,665.66.

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

RESOLUTION – HIGHWAY WORK PERMIT – ROUTE 93 DRAINAGE

Supervisor Ellis indicated the application for the work permit is a joint venture with the Niagara County Water District. The application process was begun last year; the paperwork is now in order and is ready for submittal.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved by the Town Board of the Town of Cambria to approve an undertaking by the Town of Cambria in connection with Highway work permits issued by the New York State Department of Transportation and to authorize the Supervisor to sign same and to further authorize the submittal of a highway work permit application for non-utility work for the installation of approximately 500 lineal feet of 6" perforated drainage pipe on the west side of Route 93 at the bottom of the main slope running from the south meter pit through north PRV pit.

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

DITCH MAINTENANCE PROGRAM

Supervisor Ellis indicated the matter of continued maintenance of the ditch program is not yet ready to be addressed by the Board.

NIAGARA COUNTY BICENTENNIAL LOGO/BARN PAINTING

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

It is the Public Policy of the Cambria Town Board to encourage and foster efforts of all municipalities in this County to promote Niagara County Bi-Centennial Committee.

Therefore, the project of Niagara County Bi-Centennial Committee to paint County logo on a barn in the Town is supported and co-sponsored by the Town of Cambria Town Board and will be exempt of any rule, regulation, ordinance or law previously adopted by this Town Board.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to adopt the foregoing resolution.

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

It was mentioned that a barn has not yet been chosen for the Town of Cambria. Interested individuals should submit an application to the Niagara County Bicentennial Committee.

NYS EQUALIZATION RATE – 2007

Supervisor Ellis indicated we have been notified by the NYS Board of Real Property Services that the Tentative Equalization Rate for the 2007 Assessment Roll has been established at 100%.

CONCERNS OF CITIZENS

Joseph Ohol, Zoning Board of Appeals Chairman, questioned the need for the adoption of a resolution authorizing the painting of the County's Bicentennial logo on a barn within the town as there are already procedures in place for varying our ordinance.

Supervisor Ellis indicated it is a matter of expediency and to also show our support of the project.

TOWN CLERK REPORTS

The Town Clerk reported as follows:

- Building Inspector's Report – May 2007 – Total receipts \$2,610.00; Total estimated value of construction cost: \$723,620.00
- Niagara County SPCA Report – May 2007 – Total animal contacts: 10
- Receipt of notification from Country Roadhouse Restaurant, 2989 Ridge Road, Ransomville, NY of their application for renewal of their liquor license
- Receipt of letter from Pekin Fire Company requesting that Eric Pressley be added to the roster of active members and further requesting that he be eligible for service award points this year as he was a member of the Cambria Fire Company for part of the year prior to resigning and joining the Pekin Fire Company.

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to approve the inclusion of the name of Eric Pressley, 3051 Lower Mountain Road, on the roster of active members of Pekin Fire Company and to further approve maintaining Mr. Pressley's eligibility for service award points for 2007.

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

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- Paving – The upper portion of Cambria Road has been paved. Mr. MacSwan indicated he is closely watching pricing and anticipates completing more paving projects in the fall.
- The "Fall Protection and Rigging" classes have been completed by the employees and proved to be very informative. Several employees felt it was one of the best classes they have attended.
- GIS site is up and running; There will be training on the program for Steve Kroening and Randy Shoop.
- Request approval for purchase of materials for the Baer Road sewerline extension in the estimated amount of \$1,627.07.

Upon a motion duly made by Councilman Bush and seconded by Councilman Foe, it was resolved to authorize the purchase of materials for the Baer Road sewerline extension in the amount of \$1,627.07.

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

- Procurement Form submitted for conversion of Pow-R-Mole push box from 1 ¾" to 2" rods at a cost of \$7,020.58 less trade-in of rods at \$15.00 each and trade-in of sonde holder and steering heads valued at \$595.00 – total price \$6,415.58 (sole provider)

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to approve the purchase as described from Pow-R-Mole Sales, LLC in the amount of \$6,415.58.

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

ATTORNEY REPORTS

No reports presented.

2008 BICENTENNIAL COMMITTEE

Councilman Bush reported there were 14 people in attendance at the last meeting willing to volunteer their services for the 2008 Bicentennial celebration. He questioned if it was necessary to have Town Board approval of additional individuals who may want to serve on the Committee.

Supervisor Ellis indicated Town Board approval would not be required if additional volunteer members desired to serve on the Committee.

RECREATION REPORTS

Councilwoman Kroening reported that Jon MacSwan has been working on the soccer fields and re-sealing the tennis courts.

Sally Reed, Day Program Director, indicated that registration forms for the Summer Recreation Day Program have been distributed to the area schools.

RESOLUTION – GREAT LAKES LEGISLATION

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

WHEREAS, in 2006, the New York State Legislature overwhelmingly passed legislation which would protect the waters of the Great Lakes from the discharge of persistent toxic chemicals from hazardous waste landfills and would bring current law into compliance with state and federal treaties; and

WHEREAS, the legislation passed in 2006 was vetoed by the Governor; and

WHEREAS, on May 16, 2007, New York State Senator George Maziarz introduced S5862, a companion bill to A248, introduced earlier this year by Assemblywoman Francine DelMonte; and

WHEREAS, Senate Bill S5862 and Assembly Bill A248 are the same legislation which passed the NYS Legislature in 2006 and which clearly states: "No disposal facility subject to Section 27-1105 of this title and identified in a new or pending application shall be sited in a location with potential to discharge to the Great Lakes System";

NOW, THEREFORE,

BE IT RESOLVED, that the Town of Cambria Town Board supports Senate Bill S5862 and directs that a copy of this resolution be forwarded to New York State Senator George Maziarz, requesting that he exert every reasonable effort to ensure passage of Senate Bill S5862 during the current legislative session

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

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

BUILDING PERMIT APPLICATION TO INCLUDE FLOOD PLAIN DEVELOPMENT

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved that the Building Permit application to include Flood Plain Development be approved.

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

SITING PERMIT PROCEDURE FOR CERTAIN POWER GENERATION FACILITIES

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

WHEREAS, Article X of the Public Service Law provides a streamlined siting permit procedure for certain power generation facilities and the law expired December 31, 2002; and

WHEREAS, since January 1, 2003 power generation facilities have been sited via local zoning and state DEC review; and

WHEREAS, there is currently a proposal by Governor Spitzer before the Legislature to renew and revise Article X of the Public Service Law that would also include the siting of windmills; and

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WHEREAS, this inclusion essentially eliminates local zoning control over windmills and has an impact on community host payments; and

WHEREAS, numerous municipalities throughout New York State have undergone considerable time and expense to develop and implement windmill siting policies that best fits their community;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Cambria is opposed to any inclusion of the siting of windmills in Article X of the Public Service Law as it removes local control of our landscape and violates the principles of Home Rule that has been the guiding force of our state; and

IT IS FURTHER RESOLVED that the Town Board of the Town of Cambria encourages any revision of Article X to address health and environmental issues for those who live and work near power generation facilities; and

BE IT FURTHER RESOLVED that the Town Clerk forward copies of this resolution to Governor Eliot Spitzer and elected officials.

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

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

RESOLUTION – PARKS DEVELOPMENT

The following resolution was presented:

Resolved, that Wright Ellis, as Supervisor of the Town of Cambria, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$250,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Cambria for the Town of Cambria for the Town of Cambria Park Development and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

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

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilwoman Kroening and seconded by Councilman Foe. Time: 8:40 PM.

Respectfully submitted,

Lou Ann Murawski
Town Clerk