

TOWN OF CAMBRIA TOWN BOARD

MARCH 12, 2009

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 12th day of March 2009 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY

BOARD MEMBERS PRESENT:

| | |
|---------------------------------|--|
| Wright H. Ellis, Supervisor | Jon T. MacSwan, Highway Superintendent |
| Robert E. Blackman, Councilman | Lou Ann Murawski, Town Clerk |
| George J. Bush, Councilman | Robert Roberson, Attorney |
| Debra L. Kroening, Councilwoman | Five interested individuals |
| Joseph Ohol, Councilman | |

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 Ohol and seconded by Councilman Blackman, it was resolved to approve the Minutes of the February 12, 2009 Town Board meeting.

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

APPROVAL OF VOUCHERS

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

| | | |
|-------------------|------------------|--------------|
| Cemetery Fund | Claim 2 | \$ 1,278.98 |
| Drainage Fund | Claim 2 - 3 | \$ 932.71 |
| General Fund | Claims 100 - 144 | \$ 42,400.69 |
| Highway Fund | Claims 41 - 59 | \$ 28,859.82 |
| Refuse Fund | Claim 2 - 3 | \$ 58,791.25 |
| Sewer Operating | Claims 13 - 17 | \$ 571.07 |
| Trust Agency Fund | Claims 8 - 14 | \$ 3,872.49 |
| Water Operating | Claims 44 - 62 | \$ 7,577.10 |

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

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

FORMER BUSINESS:

2004 REVISED ZONING ORDINANCE

- Supervisor Ellis reported the Niagara County Planning Board recommended the approval of the revised 2004 Zoning ordinance and updated map.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to adopt the revised 2004 Zoning Ordinance of the Town of Cambria as presented at the public hearing held on February 12, 2009, including the updated Zoning map.

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

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TOWN HALL COPY MACHINE

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to accept the lease proposal from Xerographic Solutions for model 7345 for three (3) years at a base price of \$12,841.56 for a cost of \$356.71 per month.

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

FEMA FLOOD PLAIN INSURANCE RATE MAP UPDATE

- Supervisor Ellis reported the Town Engineer would prepare a protest letter to be submitted to the Town Board for their review so that it may be formally submitted to FEMA in May. The Town Engineer is recommending filing the protest regarding the explanation of the base flood elevation geometry of Twelve Mile Creek East Branch at the Town of Wilson municipal border and will also address the concerns of the Cambria-Wilson and Willow Creek Estates LOMR.

TRANSFER OF 2008 UNENCUMBERED BALANCES

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the transfer of 2008 unencumbered funds from General Fund in the amount of \$27,000.00 from line item 7140.04, Playground & Rec Center and \$92,000.00 from line item 7140.041, Town Park to the Capital Reserve Fund (Town Park) as of December 31, 2008.

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

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Niagara County SPCA Report-February 2009-Total Animal Contacts: 7
- Building Inspector's Report- February 2009 Total Receipts: \$945.00; Total estimated value of construction: \$112,850.00
- Request from Cambria Volunteer Fire Company to add two members to their roster.

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to approve the transfer of Paul Wendt, 3056 Moore Road, Ransomville, NY 14131 from Pekin Fire Company to the Cambria Volunteer Fire Company and the acceptance of Carl Chamberlain, 5293 Stone Road, Lockport, NY 14094 to the roster of active members.

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

- A letter was received from the office of NYS Real Property Services regarding the issuance of an interim certificate to Janelle Kroening for her training towards Assessor Certification, which will remain in effect until January 31, 2010.
- The Town Clerk requested approval to attend the New York State Town Clerks' Association meeting along with Deputy Clerk I to be held in Rochester, NY from April 26-29, 2009. Additional authorization was requested for various Records Management classes for the Town Clerk and two deputies.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the request of the Town Clerk to attend seminars in Rochester, NY on April 26-29 and also authorize the Town Clerk and her deputies to attend Records Management seminars on April 23, May 7, and June 19.

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

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HIGHWAY SUPERINTENDENT REPORTS

- Mr. MacSwan reported that the heating system in the Municipal Garage is in need of repairs totaling \$1,500.00.

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to approve the request of the Highway Superintendent to authorize \$1,500.00 expenditure to Wendt's Propane for repairs to the heating system in the Municipal Garage.

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

- Mr. MacSwan indicated an estimate of \$9,500.00 - \$10,000.00 to complete the 700 foot road to go back to finish the pond for the Town Park.

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to authorize the Highway Superintendent to spend \$10,000.00 out of the Park Fund to purchase road material to complete the road to the retention pond.

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

WATER/SEWER REPORTS

- Trees from the Town Hall Gazebo will be transplanted to the Town Park Gazebo
- Cambria Road will be closed on Friday morning for repair work on the water valve.
- Councilman Bush inquired about the response to letters that have been sent out to residents who still have not had the new water meters installed. Supervisor Ellis indicated another letter has been sent out to the residents that have not responded and further action will be taken. A brief discussion followed.
- Confirmed with Councilman Ohol a meeting with his employees on March 18th.

RECREATION MATTERS

- Sally Marotta-Reed reported she has been contacted by three people who are trying to book concerts for our summer gazebo concert series. The Recreation Day program is almost finalized; applications should be ready by May for distribution to the schools.
- Baseball registration will be at the Town Hall on Saturday Morning.

ATTORNEY

The Town Attorney reported the following:

- A check was received from Willow Creek Sub-division in full payment of the engineering fees that were due.
- Time Warner Cable will be sending their latest proposal
- Update on proposed cell tower purchase – disregard acceptance date of March 19th.

CONCERNS OF CITIZENS

- Starpoint High School student Ryan Becken was in attendance for participation in his government class.
- Georgia Lochren of 4037 Daniels Road, Ransomville addressed the Town Board in regards to an accident that involved Randy Skellen driving her pick up truck.

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Mr. Skellen was in an accident with one of the Highway Snow Plow trucks. She is requesting the Town pay the \$500.00 deductible that was not covered by her insurance. A lengthy discussion followed. Attorney Roberson indicated the Town of Cambria had no liability and it cannot offer to pay damages without a legal obligation to do so.

FIREMEN'S SERVICE AWARD PROGRAM

The following resolutions were presented for the Town Board's consideration:

- **RESOLVED**, that the Town Board hereby adopts a post-entitlement provision to the Town of Cambria Defined Contribution Service Award Program to benefit the participating volunteer fire companies. Participants in the Plan who have reached entitlement age and already have received their unreduced service award, may continue to participate in the activities of their fire company and earn the qualifying number of points on an annual basis, which will enable the individual to receive an annual lump sum payment thereafter. This provision is effective as of January 1, 2008, payable at the current reimbursement rate.

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

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

- **RESOLVED**, that a one-time lump sum payment will be made to post-entitlement plan participants who qualify, for up to three years of service past their entitlement separation. Reimbursement will be at the rate in effect for the years during which they qualify.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Bush, it was resolved to approve the resolution as stated.

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

- **RESOLVED**, that the member census information for the Town of Cambria Defined Contribution Service Award Plan for the year January 1 – December 31, 2008 be approved for Cambria Volunteer Fire Company (30 firemen qualified, plus five firemen under the post-entitlement provision) and Pekin Fire Company (21 firemen qualified, plus three firemen under the post-entitlement provision)

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

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

- **RESOLVED**, to approve the list of post-entitlement plan participants who qualified for the three years of service, lump sum payment (Cambria-eight firemen and Pekin-six firemen).

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

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

EMEGENCY GENERATOR SPECIFICATIONS

The Highway Superintendent requested approval to put out to bid for two new generators that will allow the Town Hall and Municipal building to operate for seven (7) days. It will be self-starting, self-checking and is also equipped with a warning alarm.

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to authorize the Town Clerk to advertise on behalf of the Town Board for two generators as set forth in specifications prepared by the Highway Superintendent. Bid opening to be on Tuesday, March 31, 2009 at 10am.

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

PHASE II STORMWATER REGULATIONS

- Supervisor Ellis indicated that Wendel Duchscherer has submitted a proposal for services related to the Stormwater Program, Phase II regulations. Services would be provided on a time and expense basis, at an estimated fee of \$7,600.00.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to accept the proposal of the Town Engineer for engineering related to Stormwater Program Phase II regulations, services to be provided on a time and expense basis with an estimated fee of \$7,600.00.

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

PROCUREMENT POLICY

- Supervisor Ellis will have a proposal for the Town Board for changes to the Procurement Policy for the April Town Board Meeting.

BOARD OF ASSESSMENT REVIEW

- Sean Kelly of 4232 Cambria-Wilson Road has submitted a letter of interest to fill the vacancy on the Board of Assessment Review.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Ohol, it was resolved to approve the appointment of Sean Kelly of 4232 Cambria-Wilson Road for a five-year term on the Board of Assessment Review, term to expire September 30, 2013.

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

LAKE ONTARIO ORDNANCE WORKS RESTORATION ADVISORY BOARD

RESOLUTION URGING THE U. S. ARMY CORPS OF ENGINEERS TO RECOGNIZE AND SUPPORT THE CURRENT LAKE ONTARIO ORDNANCE WORKS RESTORATION ADVISORY BOARD AND REQUESTING THE APPOINTMENT OF AN INDEPENDENT, EXPERIENCED THIRD PARTY TO FACILITATE DIFFERENCES.

WHEREAS, the health, safety and economic well-being of the citizens of Niagara County is of utmost importance; and

WHEREAS, we are mindful of the need for open, transparent and participatory democracy; and

WHEREAS, we are conscious that, in achieving these goals there must be open communication and cooperation; and

WHEREAS, there exists at the Lake Ontario Ordnance Works site in the Towns of Lewiston and Porter hazardous remains from the WW II Manhattan Project; and

WHEREAS, the Lake Ontario Ordnance Works Restoration Advisory Board was created by the federal government to promote the satisfactory remediation of the L.O.O. W.; and

WHEREAS, the Restoration Advisory Board is composed of dedicated individuals possessing significant job experience and expertise related to remedial and restoration issues; and

WHEREAS, Niagara County citizens support their representatives on the current Lake Ontario Ordnance Works Restoration Advisory Board; and

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WHEREAS, Niagara County citizens and elected and public officials have become deeply disturbed by the breakdown of open, transparent and participatory democracy as it relates to the involvement of their representatives on the Restoration Advisory Board and, particularly, the refusal of the United States Army Corps of Engineers to recognize the Restoration Advisory Board as presently constituted;

NOW, THEREFORE, be it

RESOLVED, that the Town of Cambria Town Board implore the United States Army Corps of Engineers to recognize and support the current Lake Ontario Ordnance Works Restoration Advisory Board as an official Department of Defense entity; and

BE IT FURTHER RESOLVED, that the federal government, through the United States Army Corps of Engineers, provide administrative and technical support to the current Restoration Advisory Board; and

BE IT FURTHER RESOLVED, that an independent, qualified third party be employed by the United States Army Corps of Engineers to facilitate resolution of any existing differences between the Corps and the current Restoration Advisory Board; and

BE IT FURTHER RESOLVED, that once these differences are resolved, the United States Army Corps of Engineers and the Restoration Advisory Board resume working together on the successful remedial cleanup at the L.O.O.W. site; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to U.S. Senator Charles E. Schumer, U.S. Senator Kirsten Gillibrand, U.S. Congresswoman Louise M. Slaughter, U. S. Congressman Chris Lee, NYS Attorney General Andrew Cuomo, NYS Senator George Maziarz, NYS Senator Antoine Thompson and NYS Assemblywoman Francine DelMonte.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to adopt the resolution urging the U.S. Army Corps of Engineers to recognize and support the current Lake Ontario Ordnance Works Restoration advisory board and requesting the appointment of an independent, experienced third party to facilitate differences.

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

RESTORE NY FUNDING

- Supervisor Ellis updated the Town Board on the Restore NY funding; they have initiated the proposal for the funding and have sent in the letter of intent to apply. The proposal is due on May 4. This is for the demolition and restoration work at the former military base (Unicorn and Eagle Drives, owned by Cambria Housing Authority).

ADDITIONAL MATTERS

- Councilman Bush requested the Town Board to lower the prices on the remaining Bicentennial merchandise to allow purchasers to buy one and get one free.

| | |
|-----------------|---------|
| BASEBALL HATS | \$6.75 |
| MUGS | \$4.00 |
| PLATES | \$10.00 |
| SWEATSHIRTS | \$11.00 |
| SWEATSHIRTS 2XL | \$13.00 |
| T-SHIRTS | \$5.00 |

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to authorize a “buy one, get one free” sale of the remaining Bicentennial items as stated.

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

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ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Ohol and seconded by Councilman Blackman. Time: 8:55 pm.

Respectfully submitted,

Lou Ann Murawski
Town Clerk

Paula N. Jones
Deputy Town Clerk II