

**TOWN OF CAMBRIA TOWN BOARD**

**AUGUST 9, 2007**

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 9<sup>th</sup> day of August 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:**

Lou Ann Murawski, Town Clerk  
Jon T. MacSwan, Highway Superintendent  
Edwin Shoemaker, Attorney  
Robert Klavoon, Wendel Duchsherer  
Eleven interested individuals

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

**PUBLIC HEARING – AMENDMENT TO SEWER ORDINANCE**

The Clerk read the following Notice of Public Hearing:

Please take notice that the Town Board of the Town of Cambria will meet on Thursday, August 9, 2007 at 8:00 p.m. at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, to hear and consider adoption of amendment to the Town's Sewer Ordinance as follows:

**SECTION 11. CHARGE FOR PUBLIC SEWER CONNECTION**

The following paragraph shall be added:

**Grinder Sewer Fees**

At the time of application for sewer service, the following fees shall be paid by the property owner:

- \$1,000 – tap-in connection fee
- \$4,500 – to cover cost of grinder tank/pump/control panel

The Town Board may, by resolution, make any changes in rates and fees as they may deem necessary without the necessity of a public hearing.

All parties in interest and citizens will be heard at the public hearing to be held as aforesaid.

**BY ORDER OF THE TOWN BOARD TOWN OF CAMBRIA**

Supervisor Ellis explained that the cost of the grinder pump, tank and control panel has increased substantially over the years and the current fee of \$3,200 does not cover the town's cost.

There was no one present desiring to be heard at the public hearing.

The public hearing was declared closed by the Supervisor

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the Minutes of the July 12, 2007 Town Board meeting.**

**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 6 – 7	\$ 14.54
Drainage Fund	Claims 18 – 20	\$ 555.80
General Fund	Claims 335 – 381	\$61,583.71
Highway Fund	Claims 158 – 173	\$35,994.06
Recreation Fund	Claims 24 - 39	\$ 6,778.17
Refuse Fund	Claims 14 – 15	\$32,304.77
Sewer Operating	Claims 41 - 44	\$ 124.16
Trust Agency	Claim 33	\$ 216.39
Water Operating	Claims 137 – 159	\$58,967.12

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush, it was resolved that the abstract of audited claims with the exception of Highway Fund Abstract #8, totaling \$35,994.06 be paid as presented.**

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

**Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved that the Highway Fund abstract of audited claims totaling \$35,994.06 be paid as presented.**

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

**SEWER ORDINANCE AMENDMENT**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Foe, it was resolved to adopt the amendment to the Sewer Ordinance as follows:**

**Section 11. Charge for Public Sewer Connection**

**The following paragraph shall be added:**

**Grinder Sewer Fees:**

**At the time of application for sewer service, the following fees shall be paid by the property owner:**

- **\$1,000 – tap-in connection fee**
- **\$4,500 – to cover cost of grinder tank/pump/control panel**

**The Town Board may, by resolution, make any changes in rates and fees as they may deem necessary without the necessity of a public hearing.**

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

**NATURE TRAIL GRANT**

Supervisor Ellis indicated the groundbreaking for the Town Park was held on August 3<sup>rd</sup>.

The Notice to Proceed has been issued to the Contractor, NFP & Sons, Inc., for commencement of Phase I of the Town Park (Nature Trails).

**UPPER MOUNTAIN ROAD WATERLINE PROJECT**

Robert Klavoon, Wendel Duchscherer, explained that the existing 8-inch diameter waterline located along Upper Mountain Road between Shawnee Road and the Cambria Town Hall was one of the first waterlines installed in the Town. There have been a large number of waterline breaks over the years, requiring repairs. An engineering proposal dated August 2, 2007 was submitted by Wendel Duchscherer as follows:

Environmental Services	\$ 8,500.00
Design Services	\$32,500.00
Bidding Services	\$ 4,000.00

**UPPER MOUNTAIN ROAD WATERLINE – ENGINEERING PROPOSAL**

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to approve the engineering proposal submitted by Wendel Duchscherer dated August 2, 2007.

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

**WILLOW CREEK PUBLIC IMPROVEMENT PERMIT**

Supervisor Ellis indicated that the application for a Permit to Construct a Public Improvement has been received for the Willow Creek Subdivision.

Wendel Duchscherer has reviewed the estimate of construction costs and, based upon their review, the estimated cost of improvements are above the minimum unit prices for this type of project. In their letter dated August 1, 2007, Wendel Duchscherer recommends the issuance of the Public Improvement Permit for Willow Creek Subdivision, subject to the review and approval of the Performance Bond and Insurance certificates by the Town Attorney.

Attorney Shoemaker indicated he has reviewed the insurance certificates for the project and finds them to be in order. Supervisor Ellis indicated the additional fee for the permit will be forthcoming from the Developer.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman it was resolved to waive the requirement stipulated in the PIP ordinance requiring that applications for a Public Improvement Permit must be received by the Town Clerk a minimum of thirty (30) days prior to a scheduled Town Board meeting for consideration at that meeting.

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

**WILLOW CREEK SUBDIVISION – PUBLIC IMPROVEMENT PERMIT RESOLUTION**

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

Whereas, an application for permit pursuant to construction of a public improvement was received by the Town Board on July 27, 2007 relating to Willow Creek Subdivision; and

Whereas, this Board has also received a Performance Bond as required by the Public Improvement Permit (PIP) ordinance of the Town, as well as proof of insurances, all of which have been approved by the Town Attorney; and

Whereas, fees as required by the PIP ordinance and this Board have been deposited with the Town of Cambria.

Now, Therefore, the Town Board hereby approves the application described herein filed by Milherst Construction for a PIP permit on Willow Creek Subdivision, as well as the Performance Bond and insurances filed with the application, all of which have been approved by the Town Attorney, and

Further directs the Town Clerk to execute said application as the Permit pursuant to statute.

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

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

**NCCC DORMITORY STUDENT HOUSING**

Robert Klavoon, Wendel Duchscherer, indicated the Zoning Board has approved the special use permit for the NCCC dormitories and the Planning Board has approved the site plan. The developer has indicated that the building design plans will be submitted sometime around September 1<sup>st</sup>.

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**CONCERNS OF CITIZENS**

James Schwab, Blackman Road, indicated that he, along with several other parents, were present at the Recreation Committee meeting on August 6<sup>th</sup> at which time they expressed their concerns relative to the baseball program. They would like to see the program upgraded to ensure that the 200+ players remain in Cambria's program.

Howard Morgan, Recreation Committee Chairman, stated that several improvements have been made in recent years, including the installation of drain tile, which has allowed more playing time for the participants. The entire program will be reviewed to determine how they can best utilize the resources available to accomplish what needs to be done. He expressed appreciation to those parents who attended the meeting and made their concerns known to the Recreation Committee.

Supervisor Ellis indicated that four years ago he approached Dr. Whelan about using the pool and other facilities at Starpoint—it was presented to the Recreation Committee and it went nowhere. He indicated he would be willing to contact Dr. Whelan again if there is any interest.

Concerning the Town Park, Supervisor Ellis indicated that the plan for 2008 is to install drainage for the entire area. The baseball fields will be included as part of Phase III and will include one lighted field. If the grant is approved, the diamonds are expected to be installed in 2009.

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Building Inspector's Report June 2007 – Total receipts: \$1,310.00  
Total estimated value of construction: \$963,045
- Building Inspector's Report July 2007 – Total receipts: \$2,305.00  
Total estimated value of construction: \$219,694
- Niagara County SPCA Report – July 2007 Total animal contacts: 26
- Letter from Eveningside Vineyards, 4794 Lower Mountain Road, regarding notification to NYS Liquor Authority of their operations

**HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent reported as follows:

- Town Park – The road has been installed.
- Drainage – There will be no additional ditch petitions approved this year
- Human Road has been sealed and shoulders installed, with striping scheduled for completion

**FINAL EQUALIZATION RATE**

Supervisor Ellis reported that he is in receipt of the Certificate of the Final State Equalization Rate for the 2007 Assessment Roll. The New York State Board of Real Property Services has established Cambria's final state equalization rate at 100.00.

**U & S SERVICES - HVAC SERVICE AGREEMENT**

A proposal was received from U & S Services to provide a preventive maintenance contract to cover the U & S Services installed heating/air conditioning unit at the Town Hall. The three year proposal would run \$2,525.00 annually. The current warranty expires 8/31/07.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to accept the proposal submitted by U & S Services for a three year period at an annual cost of \$2,525.00.**

**Ayes: Blackman, Bush, Ellis, Foe, Kroening**

**-Motion Carried-**

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**BICENTENNIAL COMMITTEE**

Councilman Bush requested the addition of four members to the Bicentennial Committee: Bruce Geschwender, Gail Reinbird, Rich Murajda, Sonny Morreale.

**Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to approve the four members to the Bicentennial Committee as recommended by Councilman Bush.**

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

Councilman Bush also requested authorization for an additional \$7,000.00 to be used by the Bicentennial Committee to continue their promotion of events.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize the Bicentennial Committee to spend an additional \$7,000.00 from the Town General Fund to continue promotion of the 2008 Bicentennial events.**

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

**RECREATION**

Sally Marotta-Reed reported that the last day for the Recreation Day Program will be tomorrow at 1:30 p.m. Plans are already underway for next year's program. Mrs. Reed expressed her appreciation to the Town employees for their cooperation and support of the Program. She also mentioned that the concert on August 5<sup>th</sup> drew a crowd of between 250-300 people.

Supervisor Ellis thanked Mrs. Reed for a very successful program.

**BUILDING PERMIT APPLICATION FEE FOR FLOOD PLAIN DEVELOPMENT**

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to establish the fee for an application for a Building Permit to Include Flood Plain Development at \$500.00.**

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

**STORMWATER MANAGEMENT PLAN – STANDARD OPERATING PROCEDURES**

**Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved to adopt the Stormwater Management Plan Standard Operating Procedures as they pertain to pollution prevention and good housekeeping as proposed by Wendel Duchscherer in their letter/attachment dated July 20, 2007.**

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

**PROPOSED UNION CONTRACT**

Attorney Shoemaker indicated that a letter was sent on June 20<sup>th</sup> to the Teamsters Local 264 outlining five items offered by the Town. He recommended the Town Board approve the five items identified in the letter of June 20, 2007 and to incorporate the items in the final draft of the contract.

**Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved that the five items as set forth in letter dated June 20, 2007 from Thomas Brandt to Teamsters Local 264 pertaining to the negotiations between the Teamsters Union and the Town of Cambria be included in the final draft of the contract.**

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

**Upon a motion duly made by Councilman Bush and seconded by Councilman Foe, it was resolved to authorize the Town Supervisor to sign the draft of the final contract between the Teamsters Local 264 and the Town of Cambria, subject to approval of the Town Attorney.**

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

**RESOLUTION – 2008 RECREATION STATE AID**

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to authorize the Town Supervisor to make application to New York State Office of Children and Family Services for approval of the youth programs in the amounts as follows: Recreation - \$1,649; Youth Service - \$1,461.

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

**PRELIMINARY BUDGET HEARING**

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to schedule the public hearing on the Preliminary Budget, including Special Districts, for November 8, 2007 at 8:00 PM.

**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 Blackman. Time: 9:15 pm.

Respectfully submitted,

Lou Ann Murawski  
Town Clerk