

# TOWN OF CAMBRIA TOWN BOARD

NOVEMBER 4, 2010

The regular meeting of the Town of Cambria Town Board was held on the 4<sup>th</sup> day of November 2010 at 8:00 PM at the Town Hall, 4160 Upper Mountain Rd., Town of Cambria, NY

**BOARD MEMBERS PRESENT:**

Wright H. Ellis, Supervisor  
Robert E. Blackman, Councilman  
George J. Bush, Councilman  
Joseph Ohol, Councilman  
Randy M. Roberts, Councilman

**ALSO PRESENT:**

Jon T. MacSwan, Highway Superintendent  
Lou Ann Murawski, Town Clerk  
Tamara J. Cooper, Deputy Clerk I  
Robert Roberson, Attorney  
10 interested individuals

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

**PUBLIC HEARING - 2011 PRELIMINARY BUDGET**

The Town Clerk read the following public hearing notice:

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will conduct public hearings on the matters referred to herein at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY on the 4<sup>th</sup> day of November 2010 at 8:00 PM. Said public hearings shall be as follows:

1. Any objections to the 2011 Tax Roll and the amounts to be raised by taxation for the following Special Districts:

Amount to be Raised by Taxes:

Cambria Water District.....	\$431,584.00
Cambria Fire District.....	\$449,561.00
Cambria Refuse & Garbage District.....	\$358,215.00
Cambria Sewer District No. 1.....	\$269,593.00
Cambria Drainage District .....	\$ 36,307.00

All persons interested shall be heard at the public hearing to be held by the Town Board as aforesaid relative to assessments and amounts to be raised in said districts.

2. Fire Contracts: The Town Board of the Town of Cambria will consider allocations as follows and authorization to enter into contracts with fire companies protecting areas of said Town for fire protection. The fire companies and amounts to be allocated for the year 2011 are as follows:

Cambria Volunteer Fire Company	\$149,600.00
Cambria Volunteer Fire Company Ambulance Service	\$36,310.00
Pekin Fire Company	\$149,600.00
Pekin EMS Contract	\$28,700.00
Sanborn Fire Company	\$1.00

With an additional allocation of \$40,000.00 for the Service Award Program.

3. The Town Board will conduct a public hearing on the 2011 Preliminary Budget. A copy of the 2011 Preliminary Budget is available at the office of the Town Clerk, 4160 Upper Mountain Road, Town of Cambria, NY, where it may be inspected by any interested person during regular office hours. The proposed salaries of the elected officials are hereby specified:

Supervisor	\$21,020.00	
Councilman	\$5,550.00	each
Justice	\$17,530.00	each
Town Clerk	\$27,300.00	
Tax Collector	\$5,610.00	
Highway Superintendent	\$52,470.00	

Further Notice is hereby given that pursuant to Real Property Tax Law Section 495, the Exemption Report that shows total assessed values on the final assessment roll that was used in the budgetary process that is exempt from taxation is on file with the 2011 Preliminary Budget.

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

Supervisor Ellis opened the public hearing and presented a brief overview of the 2011 Preliminary Budget indicating there is no change in any tax rates with the exception of Highway which will increase approximately \$.40/1000 (\$.398), a 24.30% increase due to significant expenses with regard to replacement of equipment and increase in fuel/oil and blacktop. Additionally, the NYS Pension Fund has increased by approximately 15% and it is anticipated that CHIPS funding, which has been approximately \$55,000, will not be available. Supervisor Ellis explained that for the past couple years the Highway Fund Reserve has been used to mitigate the impact on the tax rate but those reserves have been exhausted. The Drainage tax will go down 2.68%. There is no change in the Fire Protection. The Refuse District contract has been negotiated and an extension of the contract with Modern Corporation results in a price decrease of \$15.00 per unit.

As there were no comments from the public, the public hearing was closed.

**PUBLIC HEARING - Pellicano Rezoning Application**

The Town Clerk read the following public hearing notice

**PLEASE TAKE NOTICE** that the Town Board of the Town of Cambria will hold a Public Hearing on the 4<sup>th</sup> day of November, 2010 at 8:00 p.m. at the Cambria Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, to hear and consider the following matter:

Re-zone a three (3) acre parcel of land situate at 4662 Ridge Road in the Town of Cambria from B-2 to P-D (Planned Development District) described and bounded as follows:

From the northwest property marker south a distance of 200 feet; thence east across the property a distance of 337.86 feet to the east property line; thence north to northeast property marker; thence west along the south boundary line of Route 104 a distance of 429 feet to the point or place of beginning as shown on a map drawn by Donald A. Frehsee, licensed land surveyor, dated September 8, 1970, being and intended to be the same parcel of land that was re-zoned in about October 1973 to B-2.

A copy of the application for the proposed re-zoning is on file with the Town Clerk and may be examined during regular business hours.

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

Supervisor Ellis indicated that the Town Board is in receipt of the SEQR documentation and the short environmental assessment form and it would qualify for a Negative Declaration.

As there were no comments from the public, the public hearing was closed.

Supervisor Ellis called to order the regular meeting of the Town Board.

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman it was resolved to approve the Budget Working Meeting Minutes of October 7<sup>th</sup>, October 22<sup>nd</sup> and October 25, 2010.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

**Upon a separate motion duly made by Councilman Roberts and seconded by Councilman Ohol it was resolved to approve the Minutes of October 14, 2010.**

**Ayes: Blackman, Ellis, Ohol, Roberts    *Abstained: Bush*    -Motion Carried-**

**APPROVAL OF VOUCHERS**

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

Cemetery	Claim	14	\$	10.75
Drainage	Claim	18	\$	118.12
General Fund	Claims	481- 508	\$	24,947.89
Highway Fund	Claims	241- 252	\$	31,886.59
Recreation Fund	Claims	46- 47	\$	1,400.00
Sewer Operating Fund	Claims	60- 63	\$	125.62
Trust Agency Fund	Claim	61	\$	353.28
Water Operating Fund	Claims	214- 227	\$	56,315.61

**Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to approve the abstract of audited vouchers of November 4, 2010 as read by the Town Clerk.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## **2011 PRELIMINARY BUDGET**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to adopt the 2011 Preliminary Budget with total appropriations of \$4,668,702.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## **APPROVAL OF 2011 ASSESSMENT TAX ROLL**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to approve the 2011 Tax Roll and the amounts to be raised by taxes for the five special districts as set forth in the notice of public hearing.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## **APPROVAL OF FIRE PROTECTION / AMBULANCE SERVICE CONTRACTS**

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Roberts, it was resolved to approve the fire / ambulance contracts with the Cambria Volunteer Fire Company, the Pekin Fire Company and the Sanborn Fire Company in the amounts as set forth in the public hearing notice.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## **PELLICANO REZONING APPLICATION – NEGATIVE SEQR DECLARATION**

**Upon a motion duly made by Councilman Ohol, and seconded by Councilman Bush, it was resolved that the proposed rezoning of the three acre parcel of land at 4662 Ridge Road as more fully described in the Notice of Public Hearing from B-2 to P-D will not result in any adverse environmental impact, therefore a Negative Declaration under SEQR is determined.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## **AMENDMENT TO ZONING ORDINANCE AND ZONING MAP**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved that the Town Board of the Town of Cambria does hereby amend the Town of Cambria Zoning Ordinance and Zoning Map by adopting the proposed amendment and re-zones the three acre parcel of land situate at 4662 Ridge Road in the Town of Cambria as more fully described in the Notice of Public Hearing from B-2 to P-D.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## **EMAIL POLICY**

The following E-mail/Internet Policy was presented for the Board's consideration:

### **TOWN OF CAMBRIA INTERNET AND E-MAIL POLICY**

Computer hardware and software is intended for the sole benefit of the management and operational effectiveness of the Town of Cambria. Computers and related information technology (IT) equipment shall be used for Town work only. Unapproved or non-business use may terminate your privilege to use such technology and could lead to appropriate disciplinary actions.

The Computers/Networks/Software and Internet connections you use while at work for the Town of Cambria will be subject to search or inspection, random or specific, at any time by the Town of Cambria to investigate and enforce Town computer and Internet policy as it applies to usage by employees utilizing computers and Town of Cambria internet connections. Accordingly, users should have no expectations of privacy and their activity may be monitored.

### **PROHIBITED INTERNET USES**

The following uses of the internet shall be strictly prohibited for any employee utilizing any Town-owned equipment and/or internet connections accessed through the Town of Cambria:

- ◆ "Surfing the web" opens the potential for viruses to invade the Town system when visiting unknown sites. Therefore, surfing for entertainment or shopping purposes is strictly prohibited.
- ◆ Use of the Internet for downloading or uploading Internet games or any other type of software, unless specifically approved for Town work. Only licensed versions of application software and/or operating system software are permitted. Software not approved by the Computer Committee is not permitted on Town-owned computers.

- ◆ Viewing or posting of messages, replies, or any type of announcements to the Internet via message boards, forums, chat rooms, on-line classifieds, news groups, or any other type of public website, unless directly related to an employees' scope of work and not conflicting with any other communications policy set by the Town of Cambria.
- ◆ Restricted Access – Users must not attempt to access restricted files or portions of operating systems, security systems, or administrative systems to which they have not been given authorization: electronic mail, data or programs or information protected under state and federal laws. Users must not release another person's restricted information.

E-mail services, which include the electronic transmission of mail, documents, files, data and other information, like other means of communication, are to be used to support Town business. The following policy shall apply to all users of Official Town of Cambria E-mail Addresses.

### **Proper Use of Resources**

Users should recognize that computing resources are limited and user activities may have an impact on the entire network. Users must not misuse e-mail; spread e-mail widely and without good purpose or flood an individual, group or system with numerous or large e-mail messages.

### **Authorized Use**

Users are responsible for their own passwords and passwords must not be shared. Users must not use other user's passwords, user id's, or accounts or attempt to capture or guess other user's passwords. Users are also restricted from using business equipment for personal use. Users must not hide their identity for malicious purposes or assume the identity of another user.

### **E-mail Addresses**

E-mail addresses shall be administered by the Town Clerk's office. Requests for new e-mail accounts should be submitted to the Town Clerk's office in writing, with a brief explanation of need.

An official Town of Cambria e-mail Address is intended only for Town of Cambria business and all mail becomes the property of the Town of Cambria. E-mail users are personally accountable for all access through their account and must take all reasonable precautions to prevent access by unauthorized individuals. Accounts are to be logged out when not in active use.

### **PROHIBITED E-MAIL USES**

- ◆ Employees shall not use Town e-mail accounts for illegal, disruptive, unethical or unprofessional activities, for personal use or economic gain or for any purpose that would jeopardize the legitimate interests of the Town of Cambria.
- ◆ Users are not permitted to send chain letters, viruses, and obscene or otherwise offensive material through official Town of Cambria e-mail. Engaging in e-mail practices that involve ongoing message receipt and transmission, referred to as "instant messaging" is prohibited.

### **PROTECTING INFORMATION AND SHARED RESOURCES**

Users must:

- ◆ Follow established procedures for protecting files, including managing passwords and storing back-up copies of files
- ◆ Protect the physical and electronic integrity of equipment, networks, software and accounts on any equipment that is used for the Town of Cambria
- ◆ Not visit non-business related websites
- ◆ Not open e-mail from unknown senders or e-mail that seems suspicious.
- ◆ Not knowingly introduce worms or viruses or other malicious code into the system, nor disable protective measures such as antivirus, spyware firewalls
- ◆ Not install unauthorized software
- ◆ Not send restricted or confidential data over the internet or off the locally managed network
- ◆ Not connect unauthorized equipment or media, which includes but is not limited to: laptops, thumb drives, removable drives, wireless access points, ipads and mp3 players.
- ◆ Obey local, state and federal laws including laws on copyright and other intellectual property laws
- ◆ Not attempt to access restricted files or portions of operating systems, security systems or administrative systems to which they have not been given authorization. Accordingly, users must not access without authorization: electronic mail, data or programs or information protected under state and federal laws.
- ◆ Not release another person's restricted information.

**MANAGEMENT AND RETENTION OF E-MAIL COMMUNICATIONS**

E-mail users are expected to check their Town e-mail accounts frequently and make provisions to have mail forwarded if they expect to be away for an extended period of time.

E-mail, created or received by the Town of Cambria employees in connection with official business, is a record that is subject to access, privacy and records management laws and regulations. Information communicated through e-mail systems must be identified and managed as any other document. It is the responsibility of the user of the e-mail system to manage e-mail messages and to retain messages for the approved retention period in accordance with records retention schedules as established by New York State Archives Records Administration.

Compliance with this policy is mandatory for all officials, employees and officers of the Town of Cambria. This policy applies to all Town of Cambria information, computer systems and data that is used for official Town of Cambria business, regardless of its location.

Any misuse of Town of Cambria e-mail policy shall result in loss of e-mail privileges. Any employee who shall knowingly and intentionally violate any provisions of this policy shall be subject to disciplinary action which may include suspension from employment in the manner provided by law.

**TOWN OF CAMBRIA  
E-MAIL/INTERNET POLICY ACKNOWLEDGEMENT FORM**

By submitting and signing this form, I state that I have read and understand the attached E-mail/Internet Policy and agree to its terms and conditions. I understand that non-compliance with this agreement can result in immediate suspension of any and/or all network access as well as investigation, and/or referral for disciplinary action.

I understand that I am responsible for any and all activity attributable to the use of computers, networks/software and internet connections assigned for my use while employed by the Town of Cambria. I further understand that staff requiring access to my computer, files and mail in my absence should be trusted colleagues and may be given delegate rights. I understand and agree to abide by the terms and conditions as set forth in the e-mail/internet policy if I am given delegate rights to use computers, networks and internet connections not directly assigned to me.

I understand that if I receive any suspicious, threatening or harassing material, or if I suspect that my computer might have received a virus, I will immediately notify computer technology staff.

EMPLOYEE NAME: \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_ DEPARTMENT: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Upon a motion duly made by Councilman Bush, seconded by Councilman Ohol, it was resolved to adopt the Town of Cambria E-Mail / Internet Policy.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

**AWARD BID- NCCC METER PITS**

Vellano Bros., Inc., 7 Hemlock St., Latham, NY, submitted the low bid of \$14,442.50 for pressure reducers, valves and accessories.

**Upon a motion duly made by Councilman Bush, seconded by Councilman Blackman, it was resolved to accept the bid submitted by Vellano Bros., Inc., for pressure reducers, valves and accessories needed for the NCCC Meter Pit Project in the amount of \$14,442.50.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

**AWARD BID- PROPANE / FUEL**

Wendt's Propane, 5910 Ward Rd., Sanborn, NY 14132, submitted the low bid of \$1.33 per gallon +/- monthly price revisions based on New York State contract.

**Upon a motion duly made by Councilman Blackman, seconded by Councilman Bush, it was resolved to accept the bid submitted by Wendt's Propane for propane fuel at \$1.33 per gallon +/- monthly price revisions based on NYS contract, one year contract with two, one year options for renewal.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## TOWN CLERK REPORTS

### The Town Clerk reported receipt of the following:

- Building Inspector's Report: Total Receipts: \$6,733.  
Total Estimated value of construction: \$4,204,000.
- Town Clerk's Monthly Report: Total Receipts: \$46,250.33
- Mareen Walck's term as a member of the Assessment Review Board expired September 30, 2010, and she is interested in renewing her appointment.

**Upon a motion duly made by Councilman Bush, seconded by Councilman Roberts, it was resolved to re-appoint Maureen Walck to a five-year term on the Assessment Review Board to expire September 30, 2015.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## HIGHWAY SUPERINTENDENT REPORTS

Jon MacSwan, Highway Superintendent, indicated that the chipper will be out for another two weeks. Also, the sander and plow will be installed prior to Thanksgiving.

## ATTORNEY REPORTS

Mr. Roberson reported that, at the request of Supervisor Ellis, he obtained a sewer line easement from Sansone, on Saunders Settlement Road for the WNY Urology project. It was signed and filed in the County Clerk's Office on October 7, 2010.

## WNY STORMWATER MANAGEMENT

Memorandum of Agreement with the WNY Stormwater Coalition for a five-year agreement to run through December 31, 2015. The annual fee will remain the same at \$1,250.

**Upon a motion duly made by Councilman Blackman, seconded by Councilman Ohol, it was resolved to approve the five-year Memorandum of Agreement with the WNY Stormwater Coalition.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## COMSTOCK ROAD WATER LINE PROJECT / LOCKPORT ROAD SEWER LINE PROJECT

Supervisor Ellis indicated that he would like the Town Board to request the Town Engineer, Wendel Duchscherer, to submit a proposal for the preparation of bid specifications for the December 2010 Town Board Meeting on the Comstock / Lockport Road Water/ Sewer Line project as described in the map, plan and report as approved on July 9, 2009, by the Town Board.

**Upon a motion duly made by Councilman Ohol, seconded by Councilman Bush, it was resolved to request Wendel Duchscherer, to submit a proposal for the preparation of bid specifications for the December 2010 Town Board Meeting, on the Comstock / Lockport Road Water/ Sewer Line project as described in the map, plan and report as approved by the Town Board on July 9, 2009.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## LINE ITEM TRANSFER- HIGHWAY

Jon MacSwan, Highway Superintendent, requested a line item transfer from 5110.04 General Repairs Contractual in the amount of \$5,200 to increase line item 5130.02 Machinery Equipment by \$5,200 to cover the cost of a new sander.

**Upon a motion duly made by Councilman Roberts, seconded by Councilman Blackman, it was resolved to approve the line item transfer request of the Highway Superintendent, to decrease DA 5110.04 General Repairs Contractual by \$5,200 and to increase line item DA 5130.02 Machinery Equipment by \$5,200.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

## VALLEY FAB EQUIPMENT – HIGHWAY EQUIPMENT

Supervisor Ellis explained that the line item transfer was required to be approved prior to the approval of the Valley Fab and Equipment voucher.

**Upon a motion duly made by Councilman Ohol, seconded by Councilman Roberts, it was resolved to approve the payment to Valley Fab & Equipment in the amount of \$11,413.46.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

**ADDITIONAL MATTERS**

- Supervisor Ellis invited all those present to attend the 13<sup>th</sup> Annual Veterans Day Ceremony at the Cambria Town Hall on November 11, 2010, at 11 am.
- Councilman Bush indicated that he and Councilman Ohol took a look at the Gazebo and it needs braced. Following a brief discussion, it was decided that Councilman Ohol would coordinate the efforts for the necessary repairs.

**EXECUTIVE SESSION**

**Upon a motion duly made by Councilman Bush, seconded by Councilman Ohol, it was resolved to enter into Executive session to discuss the labor union negotiations.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

There was no formal action taken during the executive session.

**Upon a motion duly made by Councilman Bush, seconded by Councilman Blackman, it was resolved to adjourn the executive session and to reconvene the regular meeting.**

**Ayes: Blackman, Bush, Ellis, Ohol, Roberts      -Motion Carried-**

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by a motion made by Councilman Roberts and seconded by Councilman Blackman. Time: 9:20 pm

Respectfully submitted,

Lou Ann Murawski  
Town Clerk