

**TOWN OF CAMBRIA TOWN BOARD**

**SEPTEMBER 13, 2007**

The regular meeting of the Town of Cambria Town Board was held at 8:00 PM on the 13<sup>th</sup> day of September 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:**

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

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

**APPROVAL OF MINUTES:**

Supervisor Ellis noted that a correction should be made on Page four under "Concerns of Citizens" relative to the comment made which indicated that, "baseball fields will be included as part of Phase II and will include one lighted field".

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to approve the Minutes of August 9, 2007 with the deletion of the sentence referring to lighted baseball fields.**

**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 21 – 24	\$ 4,661.87
General Fund	Claims 382 – 421	\$58,500.44
Highway Fund	Claims 174 – 189	\$20,176.71
Recreation Fund	Claims 40 – 50	\$ 5,760.79
Refuse Fund	Claims 16 – 17	\$26,472.15
Sewer Construction	Claims 2 – 3	\$ 2,056.75
Sewer Operating	Claims 45 – 50	\$ 9,952.53
Trust Agency	Claim 34	\$22,802.43
Water Operating	Claims 160 – 170	\$ 3,316.51
Water Construction	Claims 3 – 6	\$ 5,141.33

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

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

**NATURE TRAIL GRANT**

Jon MacSwan reported on the progress of the Nature Trail, indicating that the boardwalks with railings have been installed and the chips will be done next week. The Gazebo will be in place on the 24<sup>th</sup>. The rough coat of blacktop will be completed by the end of next week.

**UPPER MOUNTAIN ROAD WATERLINE**

Robert Klavoon, Wendel Duchscherer, indicated the next step to proceed requires Town Board authorization to continue the environmental review under SEQRA. The project would be considered an unlisted action under SEQRA.

**UPPER MOUNTAIN ROAD WATERLINE**

**Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening it was resolved to declare the Upper Mountain Road Waterline Project as an unlisted action under SEQRA.**

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

**Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to authorize the Town Engineer to conduct a coordinated review under provisions of SEQRA.**

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

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to adopt the following resolution:**

**WHEREAS**, the Town Board of the Town of Cambria, Niagara County, New York, has had under consideration the installation of additional facilities for the Town of Cambria Water District of said Town; and

**WHEREAS**, said Town Board has duly caused a map, plan and estimate of cost for additional facilities to be prepared and submitted by Wendel-Duchscherer, Architects and Engineers, duly licensed by the State of New York; and

**WHEREAS**, pursuant to Article 11 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, the "SEQR Act"), the Town Board constitutes a "State Agency"; and

**WHEREAS**, the action under consideration by the Town Board (the "Action") consists of the installation of approximately 5,500 lineal feet of 12" PVC waterline on Upper Mountain Road, located between Shawnee Road and Cambria Road, in front of the Cambria Town Hall, which will replace existing 8-inch waterline, at an estimated maximum cost of \$600,000.00 and the financing of same through the issuance of bonds; and

**WHEREAS**, to aid the Town Board in determining whether the Action may have a significant effect upon the environment, the Town has prepared and submitted a Full Environmental Assessment Form (the "Form") with respect to the Facility, a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, the form has been reviewed by the Town Board; and

**WHEREAS**, it is now desired to call a Public Hearing on said map and plan and estimate of cost pursuant to Section 202-b of the Town Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Cambria, Niagara County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Cambria, Niagara County, New York, shall be held at the Town Hall, 4160 Upper Mountain Road, Cambria, New York, on the 11<sup>th</sup> day of October 2007 at 8:00 p.m. for the purpose of conducting a Public Hearing on the map, plan and estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a Notice of Public Hearing to be published in the Union Sun & Journal and posted in the manner provided by law, which notice shall be in substantially the following form, to wit:

Please take notice that the Town Board of the Town of Cambria, Niagara County, New York, will meet at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the 11<sup>th</sup> day of October 2007 at 8:00 p.m. for the purpose of conducting a Public Hearing on certain maps and plans and estimates of cost relating to the proposed installation of approximately 5,500 lineal feet of 12" PVC waterline on Upper Mountain Road, located between Shawnee Road and Cambria Road, in front of the Cambria Town Hall, which will replace existing 8"inch waterline, (shown on said map and plan prepared by Wendel Duchscherer, Architect and Engineers) in and for the Town of Cambria Water District of said Town at an estimated maximum cost of \$600,000.00 and environmental consideration in connection therewith under SEQRA, at which time and place said Town Board will hear all persons interested in the subject matter thereof concerning the same.

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Copies of said maps and plans and estimates of cost are on file in the office of the Town Clerk where the same may be examined by interested persons during regular business hours.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CAMBRIA

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

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

**NIAGARA COUNTY COMMUNITY COLLEGE STUDENT HOUSING**

Supervisor Ellis indicated that most of the plans for the student housing project have been completed and submitted.

**CONCERNS OF CITIZENS**

Patrick Riley, 3049 Faircourt East, expressed concerns with regards to emergency vehicles having access to Eagle Drive during the wintertime. There is a sign posted indicating the road is not maintained during the winter. He requested the Board to consider filling in the potholes and keeping the road clear of snow for emergency vehicles during the winter.

Supervisor Ellis indicated the matter has been discussed in the past; the problem is that the Town does not own the roadway. There have been many developers at various times look at the property. He explained the Town applied for funding through the Restore NY grant last year to have several buildings demolished. The application was denied and we will be submitting a new application this year.

Jon MacSwan indicated that the cost to pave the portion of the roadway in question was estimated at \$42,000 about three years ago. He indicated he would open the road if there is a build up of snow.

Theresa Preciado, 5791 Fairview Drive, expressed her concern about graffiti on her neighbor's fence which states, "higher fences make better neighbors". The problem arose when she contacted the Niagara County Health Department regarding dog feces in her neighbor's yard. She indicated she is not able to enjoy her yard due to the obnoxious odors emanating from her neighbor's yard.

It was indicated that the matter would be referred to the Building Inspector for review of the Zoning Ordinance regulating signs.

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Niagara County SPCA report – August 2007- Total Animal Contacts: 31
- Building Inspector report – August 2007- Total Receipts: \$1,555.00  
Total estimated value of construction cost: \$685,300.00
- Letter from Thaxton's Dinner House indicated they have applied for renewal of their liquor license
- Letter from Pekin/Cambria Fire Hall requesting Town funding of the annual Halloween party.

**Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to authorize a contribution to Pekin and Cambria Fire Companies for their annual Halloween parties in accordance with 2007 budget appropriations.**

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

- Letter from Cambria Fire Company requesting the addition of the following new members: Jay Eisenhardt, 5120 Ridge Road, Lockport, NY and Wells Crowley, 3657 Lower Mountain Road, Sanborn, NY

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to approve the request of Cambria Fire Company to include the names of Jay Eisenhardt and Wells Crowley on the roster of active members.**

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

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- Letter from Pekin Fire Company requesting that the name of Shantell Williams, 2136 Upper Mountain Road, Sanborn, NY be included on the roster of active members.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the request of Pekin Fire Company to include the name of Shantell Williams on the roster of active members.**

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

**HIGHWAY SUPERINTENDENT REPORTS**

Mr. MacSwan reported as follows:

- Request from N. Ridge Cemetery to chip seal their roadway.

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush, it was resolved to authorize the Highway Superintendent to chip seal the roadway at North Ridge Cemetery.**

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

- Baer Road sewer has been completed; waterline on Route 31 has been completed.
- Drainage – 90% of ditch projects have been completed
- Snow removal – they are continuing their discussions with the County on snow removal

There was a brief discussion regarding Blackman Road and sight distances.

**ORDINANCE FOR STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL**

**LOCAL LAW TO PROHIBIT ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEM**

Attorney Shoemaker indicated he has prepared the ordinance/local law relative to our Stormwater Management Program and would like the Board to schedule public hearings for November 8<sup>th</sup>.

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Foe, it was resolved to declare the Town Board as Lead Agent for the following:**

**-Ordinance for Stormwater Management and Erosion & Sediment Control  
-Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System**

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

**Public Hearing**

**Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to hold a public hearing on the proposed ordinance/local law on November 8, 2007 at 8:00 p.m.**

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

**BICENTENNIAL COMMITTEE**

Councilman Bush indicated he would like to include two additional individuals on the Bicentennial Committee: Sally Marotta-Reed and Neil Patterson.

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Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved to appoint Neil Patterson and Sally Marotta-Reed to the Bicentennial Committee.

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

**APPOINTMENT – BOARD OF ASSESSMENT REVIEW**

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to appoint Suzanne Pude to the Board of Assessment Review for a five-year term to expire 9/30/2012.

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

**2007 JUSTICE COURT ASSISTANCE PROGRAM**

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to authorize the Town Supervisor to submit an application for funding through the 2007 Justice Court Assistance Program.

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

**BUILDING DEPARTMENT CONSULTANT SERVICES**

Upon a motion duly made by Councilman Foe and seconded by Councilwoman Kroening, it was resolved that Don MacSwan be hired as a Consultant for the Building Department on a contractual basis and further authorize the Town Supervisor to sign the agreement.

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

**RESTORE NY GRANT APPLICATION**

Supervisor Ellis indicated that a public hearing is required to be scheduled on the Restore NY grant application for which the Town is applying for funds in the amount of \$1,353,620 (Town's responsibility is 10% - \$136,632).

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to call a public hearing for 6:30 p.m. on September 20<sup>th</sup> on the filing of the Restore NY grant application.

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

**BUDGET MEETING**

Supervisor Ellis indicated the Town Board will be meeting with the Fire Companies on September 20<sup>th</sup> in the Community Building to discuss their 2008 budget proposal.

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilwoman Kroening. Time: 9:00 p.m.

Respectfully submitted,

Lou Ann Murawski  
Town Clerk

