

# TOWN OF CAMBRIA TOWN BOARD

SEPTEMBER 9, 2010

The regular meeting of the Town of Cambria Town Board was held on the 9<sup>th</sup> day of September 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  
Tamara J. Cooper, Deputy Town Clerk  
Thomas Brandt, Attorney  
David Godfrey, 14th District Legislator  
Robert Klavoon, Wendel Duchscherer  
Lou Ann Murawski, Town Clerk  
2 interested individuals

Following salute to the flag, Supervisor Ellis welcomed those present and called the meeting to order.

## APPROVAL OF MINUTES

Councilman Ohol noted that a correction should be made to the August 10, 2010, Minutes as the attorney present was Robert Roberson, not Thomas Brandt as written in the minutes.

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Roberts, it was resolved to approve the Minutes of August 10, 2010, with the correction as noted.**

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

## APPROVAL OF VOUCHERS

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

Cemetery	Claim	12	\$	329.00
Drainage	Claims	15-16	\$	2,708.04
General Fund	Claims	365-396, 398-415	\$	43,039.43
Highway Fund	Claims	191-202, 204-211	\$	30,028.48
Recreation Fund	Claims	41-42	\$	476.00
Refuse Fund	Claim	8	\$	31,005.18
Sewer Operating Fund	Claims	38-45	\$	871.88
Trust Agency Fund	Claims	45-49	\$	1,021.28
Water Operating Fund	Claims	176-190	\$	4,064.63

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

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

## PHASE II ENVIRONMENTAL SITE ASSESSMENT – FORMER LOCKPORT AIR FORCE BASE

No action taken as there are some additional issues to resolve.

## NCWD PENDLETON/CAMBRIA METER PIT

Supervisor Ellis indicated the attorney for the Niagara County Water District is preparing the tri-party agreement and the Town is expecting to receive it by this week's end or by the beginning of next week. It will then be referred to the town attorney and will be addressed during the October 2010 meeting.

## REZONING APPLICATION – Frank Pellicano, 4662 Ridge Road

Supervisor Ellis indicated the application of Frank Pellicano to convert the former motel located at 4662 Ridge Rd. into residential apartments is now before the Planning Board and proceeding according to plan.



**PROCUREMENT POLICY PURCHASES**

**WATER DEPARTMENT PURCHASES:**

**Lock City Supply- Sole Source**

Orion pre-wired meters and the water meters, 24 of each, total cost of \$6,507.36.

**Lock City Supply- Sole Source (Badger Meter to support radio read program)**

Two 6" fire service assembly water meters to replace original meters to service NCCC at a total cost of \$18,578.00. We will provide the meters and installation and NCCC will provide ancillary equipment for the installation.

**Blair Supply Corp.-**

Hydrant markers with flags- manufactured in the USA- \$2,600 for 100 flag at a total cost of \$2,600.00.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the procurement of 24 Orion pre-wired meters and 24 water meters from Lock City Supply; two 6" fire service assembly water meters for NCCC from Lock City Supply; and hydrant markers with flags from Blair Supply Corp.**

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

**HIGHWAY DEPARTMENT PURCHASES:**

**LOE TRAILERS**

18 ft heavy duty trailer tilt bed (14,000 lb rating) to replace home made trailer, total cost of \$4,500.00.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to approve the procurement of an 18 ft heavy duty, tilt bed trailer (14,000 lb rating) in the amount of \$4,500 from LOE Inc.**

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

**TOWN PARK**

**Preferred Seed- Sole Source-** Seeding for the Town Park. Memo submitted by Highway Superintendent requesting sole source situation for purchase of seed.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts it was resolved to approve Preferred Seed of Buffalo, NY as sole source for grass seed for the Town Park and approve the bill submitted in the amount of \$7,896 to Preferred Seed of Buffalo.**

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

**COMMUNITY BUILDING FURNACE**

**Krull Heating & Cooling** – Supervisor Ellis indicated that the current furnace in the community building has reached the end of its life expectancy and needs to be replaced.

**Upon a motion duly made by Councilman Blackman and seconded by Councilman Ohol it was resolved to approve the proposal from Krull Heating & Cooling for the replacement and installation of the furnace for the Community Building in the amount of \$2,200.**

**U & S SERVICES – PREVENTATIVE MAINTENANCE AGREEMENT**

Supervisor Ellis indicated there is ambiguity on the proposal from U&S Services for the renewal of the Preventative Maintenance Agreement that runs from September 1<sup>st</sup>. He requested Town Board authorization to sign the contract once the price difference of \$75.00 has been resolved.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman it was resolved to authorize the Supervisor to sign the contract with U&S Services for the renewal of the Preventative Maintenance Agreement, once the price difference is resolved.**

Mr. Ohol asked if the Town Board will be notified of the final result with regard to the price. Supervisor Ellis indicated they would be notified.

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

**RESOLUTION SUPPORTING NYS ASSEMBLY BILL A00843/SENATE BILL 4567**

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

Whereas, proposed NYS Assembly Bill A00843 and Senate Bill 4567 amends NYS General Obligations Law in relation to the duty to keep premises safe for certain uses and further enacts the "Equine Activity Safety Code Act"; and

Whereas, the Town of Cambria is a "Right to Farm" community and agriculture and agriculture-related businesses and activities constitute the majority of our tax base; and

Whereas, the Town of Cambria has within its borders several "u-pick/roadside market" farms, riding stables and horse-boarding operations and many landowners make their property available for a wide variety of recreational activities and property owner liability is a major concern in all of the aforementioned endeavors; and

Whereas, enactment of New York State Assembly Bill A00843/Senate Bill 4567 will do much to alleviate those liability concerns;

NOW, THEREFORE, BE IT

Resolved that the Town of Cambria Town Board most strongly supports New York Assembly Bill A00843/Senate Bill 4567 and further requests immediate action by our State representatives to move these bills through the legislative process and enacted into law.

Be it further, Resolved, that copies of this resolution be forwarded to Governor David A. Paterson, Sheldon Silver, NYS Assembly, Malcolm A. Smith, NYS Senate, NYS Assemblywoman Francine J. Delmonte, NYS Senator George J. Maziarz, Niagara County Legislator David Godfrey,

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Blackman it was resolved to support the Resolution of the NYS Assembly Bill A00843 / Senate Bill S4567 that amends NYS General Obligations Law in relation to the duty to keep premises safe for certain uses and further enacts the "Equine Activity Safety Code Act".**

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

**AUDIT OF JUSTICE COURT RECORDS**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman it was resolved to acknowledge the receipt of the filing of the audit for the Town of Cambria financial statement from the period ending December 31, 2009, as conducted by Lumsden & McCormick LOP certified public accountants which auditing included examination of the Justice Court records.**

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

**PUBLIC HEARING –2011PRELIMINARY BUDGET**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol it was resolved to schedule the public hearing on the 2011 Preliminary Budget for Thursday, November 4, 2010 at 8 pm and to schedule the November Town Board regular meeting for the same date.**

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

**TENTATIVE BUDGET**

Supervisor Ellis indicated the presentation of the 2011 Tentative Budget to the Town Board will take place on Monday, October 4, 2010, at 12:30 pm.

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Bush and seconded by Councilman Ohol. Time: 8:45 pm

Respectfully submitted,

Tamara J. Cooper  
Deputy Town Clerk