

# TOWN OF CAMBRIA TOWN BOARD

APRIL 14, 2011

The regular meeting of the Town of Cambria Town Board was held on the 14<sup>th</sup> day of April 2011 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 MacSwan, Highway Superintendent  
Tamara J. Cooper, Deputy Town Clerk  
Robert Roberson, Attorney  
David Godfrey, Legislator  
Robert Klavoon, Wendel Duchscherer  
Andrew Reilly, Wendel Duchscherer  
John Schiavone, Lumsden & McCormick  
Approximately 13 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

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman it was resolved to approve the Minutes of the Town Board meeting of March 10, 2011.**

**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	3	\$ 13.67
Drainage	Claims	4-7	\$ 2,799.75
General Fund	Claims	133-189	\$ 66,710.60
Highway Fund	Claims	63-94	\$ 48,038.87
Refuse	Claim	1	\$ 62,010.36
Sewer Operating Fund	Claims	17-25	\$ 1,415.60
Trust Agency Fund	Claims	8-19	\$ 3,815.44
Water Construction	Claim	2	\$ 9,750.00
Water Operating Fund	Claims	50-82	\$ 41,927.52

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

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

## 2010 FINANCIAL AUDIT

Supervisor Ellis indicated that the 2010 financial audit results for the Town have been received. He introduced John Schiavone, Lumsden & McCormick, to summarize the findings.

Mr. Schiavone stated that the Town of Cambria has, historically, been in a very solid financial position and at the end of the year 12/31/2010, continues to be financially strong. He also indicated that revenues from property taxes and sales taxes remain fairly consistent on a year-to-year basis; some increases in expenditures were noted partly due to the increase in Employee Retirement contributions and increasing cost of medical expense; an overall increase of 3.8%. The General Fund remains in a strong financial position, while Highway suffered a deficit. Refuse, Water and Sewer Funds all remain stable. He also indicated that 2009 and 2010 have been difficult years, generally, in the United States; but, the Town of Cambria has good reserves and good fund balances that will hopefully carry it through and help to offset costs in case of future reductions in state services.

## NIAGARA COUNTY SHOVEL READY PROJECT

Andrew Reilly, Wendel Duchscherer, gave a brief presentation about the Niagara County Shovel Ready Project and recommended that the Board pass a resolution to issue a Positive SEQR Declaration, which will allow them to complete a Generic Environmental Impact Statement. Mr. Reilly also recommended the Town Board schedule a scoping meeting for May 11, 2011, which will allow the public to comment on the project and express any concerns they may have. The following resolution was presented for the Board's consideration:

**Resolution for the Issuance of a SEQR Positive Declaration of Significance**

**WHEREAS**, the Town of Cambria has received a Rezoning application from Mr. Donald Walck, Mr. Miron Wasik and Mr. Joseph Ohol, in association with the County of Niagara, for the rezoning of approximately 152 acres of land, encompassing four parcels located along the north side of Lockport Road, between Comstock Road and Campbell Blvd, from B-2 and A-R to P-D; and

**WHEREAS**, it is the intent of the applicants and the County to create a 'High Technology Manufacturing Site' in conjunction with the Build Now-NY Shovel Ready Program Initiative coordinated under the Empire State Development Corporation and the Governor's Office of Regulatory Reform; and

**WHEREAS**, the Cambria Town Board referred this application to the Planning Board for the review and investigation of issues associated with this action and the subsequent potential development of the land; and

**WHEREAS**, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Cambria Town Board has conducted a coordinated review to establish itself as the SEQR Lead Agency for this action.

**NOW, THEREFORE BE IT RESOLVED**, that the Cambria Town Board, having heard no objections to their Lead Agency designation, hereby establishes itself as the SEQR Lead Agency for this project, and

**BE IT FURTHER RESOLVED** that the Cambria Town Board has determined that certain significant adverse environmental impacts may result from the proposed action and hereby issues a Positive Declaration of Significance, requiring the preparation of a Generic Environmental Impact Statement (GEIS), in conformance with the SEQR regulations, to fully evaluate the potential adverse environmental impacts associated with this action, and

**BE IT FURTHER RESOLVED**, that the Cambria Town Board will schedule a Public Scoping Session for May 11, 2011, at 8:00 pm at the Cambria Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York to help specify the focus of the GEIS to only the potentially significant adverse impacts that may result from the proposed action, and to eliminate consideration of those impacts that are irrelevant or non-significant, and

**BE IT FINALLY RESOLVED** that the Town Board authorizes the Town of Cambria Town Clerk, with assistance from the Wendel, the consultant on this project, to complete the appropriate paperwork and filing requirements for this Positive Declaration, and publish the required public meeting notice for the Public Scoping Session. A draft scoping document, completed by Wendel, will also be made available at the Town Clerk's office and on the Town's website for public review.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the issuance of a SEQR Positive Declaration of Significance and to schedule the Public Scoping Session for May 11, 2011, 8:00 pm at the Cambria Town Hall.**

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

**2011 MULTIPURPOSE HYDRAULIC EXCAVATOR BID PACKAGE**

Jon MacSwan, Highway Superintendent, indicated the Town advertised for bids for a mini-excavator. The lowest responsible bidder was Anderson Equipment Company for a 2011 Komatsu PC35MR-3 with a 42" bucket and quick coupler, totaling \$47,200.00

**Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to accept the bid of Anderson Equipment Company on a 2011 Komatsu PC35MR-3 Mini Excavator with 42" bucket and quick coupler spring loaded locking mechanism in the amount of \$47,200.**

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

Mr. MacSwan also requested authorization to purchase a 36" cemetery bucket in the amount of \$979 and an 18" tooth bucket in the amount of \$749 totaling \$1,728 (as per bid submitted by Anderson Equipment Co.)

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize the purchase of an 18" digging bucket with teeth in the amount of \$749, and a 36" cemetery bucket in the amount of \$979 total cost of \$1,728.**

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

**WATERLINE EXTENSION BID PACKAGE - LOCKPORT/COMSTOCK ROADS**

Robert Klavoon, Wendel Duchscherer, indicated that at the March Town Board meeting, Wendel was authorized to advertise for bids for the Comstock Road and Lockport Road waterline extension. Bids were opened at the Town Hall on April 7<sup>th</sup>. There were nine bidders and the lowest bid was submitted by Yarussi Construction in the amount of \$258,430. Wendel Duchscherer is recommending award of the bid to Yarussi Construction.

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

**RESOLUTION  
AUTHORIZING AWARDING THE BID  
WATERLINE EXTENSIONS PROJECT CONTRACT 24**

**WHEREAS**, Bids on the Town of Cambria Waterline Extension Project (Contract 24) were received and opened on April 7, 2011, at 11:00 a.m., in accordance with the Notice to Bidders previously authorized and,

**WHEREAS**, the low bid for the Base Bid was submitted by Yarussi Construction with a Total base Bid of \$258,430.00

**WHEREAS**, Wendel Duchscherer has reviewed the proposal from Yarussi Construction and held a meeting on April 8, 2011, with the President of Yarussi Construction, Nick Yarussi, and confirmed his understanding of the requirements of this project. The proposal and his responses were satisfactory and,

**WHEREAS**, the Cambria Town Board has determined that the Town of Cambria has sufficient monies for construction of the Base Bid.

**NOW, THEREFORE BE IT RESOLVED**, that the Cambria Town Board authorizes award of the Waterline Extension Project (Contract 24) to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, New York 14304, contingent upon the Town Attorney's review of the Contractor's Bonds and Insurance's.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to approve the resolution as read by Supervisor Ellis.**

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

**NIAGARA COUNTY WATER DISTRICT TRANSMISSION MAIN PROJECT-TOWN OF CAMBRIA PORTION**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved that the Town of Cambria accepts the bid of CATCO Construction for Alternate #1 in the amount of \$28,875.03 and Alternate #2 in the amount of 36,500.05, total of \$65,375.08, and recommends that the Niagara County Water District Board award the bid to CATO Construction.**

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

**TOWN CLERK REPORTS**

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

- Niagara County SPCA Report:                      March 2011 - 13 Animal Contacts
- Building Inspector's Report:                      Total Receipts: \$1,602.00  
March 2011    Total Estimated value of construction: \$377,798.00
- Town Clerk's March 2011 Report:                      Total Receipts: \$5,614.53
- Receipt of notification of application filed for renewal of liquor license for Freedom Run Winery, 5138 Lower Mountain Road
- Receipt of annual report of Town Supervisor for fiscal year ending 12/31/2010 (Report on file in Town Clerk's Office and is available for inspection)
- Receipt of letter of resignation submitted by Robert Gerst, Jr., Recreation Committee Member

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol was resolved to accept the letter of resignation submitted by Robert Gerst, Jr., from the Recreation Committee.**

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

- Receipt of letter from Pekin Fire Company to add the name of John Fair, 5319 Shawnee Road, Sanborn, NY, to the roster of active members.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Bush, it was resolved to approve the addition of John Fair, 5319 Shawnee Road, Sanborn, NY, to the Pekin Fire Company roster of active members pending receipt of physical form.**

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

**HIGHWAY SUPERINTENDENT REPORTS**

Highway Superintendent Jon MacSwan indicated that last year at budget time he approached the Town Board with an estimate of \$3,000 from Niagara Frontier Equipment Sales, for repairs on a 2003 roadside mower. Additional repairs were needed for the mower, increasing the cost from \$3,000 to \$8,000. Mr. MacSwan feels that \$3,000 of

the work needed can be done in the Highway Garage, bringing the cost of repairs down to \$5,000. Mr. MacSwan is requesting \$5,000 for repairs to the 2003 New Holland TL90, 4 wheel drive tractor and mower.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved to authorize the repairs to the 2003 New Holland TL90 4 wheel drive tractor and mower in the amount of \$5,000, to be paid from the Water District budget.**

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

#### **ATTORNEY REPORTS – TIME WARNER FRANCHISE EXTENSION AGREEMENT:**

Attorney Roberson indicated that he contacted Time Warner Cable regarding the franchise agreement and the person who is handling this matter is unavailable until May 1, 2011. He is in receipt of the proposed franchise extension agreement and a copy of the old one. He will compare, make recommendations and review it with the Supervisor.

#### **CONCERNS OF THE CITIZENS**

**Kenneth Miller, 5770 Diller Road**, was present to express his concern with the recent assessment and resulting tax increases affecting his property. Following a lengthy discussion, Supervisor Ellis suggested that Mr. Miller make an appointment with the Town Assessor to discuss his concerns.

**Legislator David Godfrey** commented on the following matters:

- The Redistricting Commission held a public meeting; Wilson/Cambria, the 14<sup>th</sup> District, stayed intact and now stretches into Wheatfield and will be called District 10. The Legislature passed a resolution for a public meeting, which will take place April 19, 2011, at 6:30 pm, and at 7:00 pm the Legislature will act on the Redistricting Proposal from the Commission. Additional information, as well as, the proposed redistricting maps are available on the County's website.
- With regard to the Narrow Banding Project, the Legislature has enlisted the services of Kimble and Associates. They are a consulting firm that is very familiar with not only the narrow banding requirements and federal mandates to do so; but, also with the two vendors that the County is looking at their proposals: Motorola and Harris Corporation out of Rochester, NY. Mr. Godfrey is hoping for a resolution by May, as the construction is an 18 month build out. Funding for the project was also discussed.

#### **2011 SANITARY SEWER REPAIRS**

Robert Klavoon, Wendel Duchscherer, stated that, on behalf of the Town of Cambria Town Board, Wendel Duchscherer listed and requested proposals from sewer evaluation companies that they have worked with in the past. They solicited five quotes and two responded: United Survey, Inc., and Sewer Specialty Services Co., Inc. After reviewing the bids, it is their recommendation that the Town Board authorize award of the bid submitted by Sewer Specialty Services Co. Inc., in the amount of \$3,800. This sanitary sewer evaluation will be in the area of the former Lockport Air Force Base, servicing the new WNY Urology complex.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to accept the proposal submitted by Sewer Specialty Services Co. Inc., in the amount of \$3,800, for sanitary sewer analysis, cleaning, flushing and televising three sewer lines, approximately 150 linear feet.**

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

#### **PROCUREMENT FORM PURCHASE - AUTOMATIC METER READ WATER METERS**

Jon MacSwan, Highway Superintendent, indicated this will be the final stage of meter purchasing. This batch of meters will be for inventory needed to continue to replace water meters in new builds as needed; replacement of 2" compound meter at Unicorn Apartments; six large meters-one for the WNY Urology and the rest for stock. Lock City Supply is the sole provider for a total amount of \$69,818.00.

Supervisor Ellis indicated that this was a budgeted item in the Water District Budget.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to accept the proposal from Lock City Supply providing Automatic Meter Reading Water Meters for a total amount of \$69,818.00.**

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

#### **PROCUREMENT FORM PURCHASE - HYDROSTATIC RAKE**

Jon MacSwan, Highway Superintendent, explained that the purchase of this equipment will reduce manual labor that is usually needed for the maintenance of the baseball diamonds at Pekin Fire Hall, Cambria Fire Hall and the Town Park. Supervisor Ellis indicated the money for the rake is in the 2011 budget under Town Park.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to accept the proposal from Cazenovia Equipment Co., Inc. for a John Deere 1200A Field Rake and attachments in the amount of \$10,485.**

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

#### **MS4 LETTER OF COMMITMENT**

Supervisor Ellis indicated that the Western New York Stormwater Coalition is working on a Storm Sewer Mapping Project to map storm sewer conveyance systems primarily for roadside ditches and storm sewer sheds. They are requesting the submission of a Letter of Commitment from the Town of Cambria to participate in the project.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to approve the Property MS4 Letter of Commitment for participation in the Western New York Storm Water Coalition Storm Sewer Mapping Project at a cost of \$325.**

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

#### **MS4 ANNUAL DRAFT REPORT**

Supervisor Ellis announced the Public Information Meeting to present the MS4 Annual Draft Report will take place on Thursday, May 12, 2011, at 8:00 pm . The meeting will be advertised by the Town Clerk and a presentation will be given by Tim Walck, Wendel Duchscherer.

#### **GROUNDS PERSON POSITION**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to appoint Thomas H. Seefeldt, 3907 Upper Mountain Road, Sanborn, NY, to the Grounds Person Position.**

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

#### **DEPUTY TOWN HISTORIAN SALARY**

Supervisor Ellis announced the appointment of Gail Reinbird to the position of Deputy Town Historian, and asked for the Town Board's approval of her salary.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Bush, it was resolved to approve the salary for Deputy Town Historian, Gail Reinbird, 3106 Upper Mountain Road, Sanborn, NY, at \$100 a month.**

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

#### **ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Bush and seconded by Councilman Roberts. Time: 8:59 pm.

Respectfully submitted,

Tamara J. Cooper  
Deputy Town Clerk