

## TOWN OF CAMBRIA TOWN BOARD

AUGUST 11, 2011

The regular meeting of the Town of Cambria Town Board was held on the 11<sup>th</sup> day of August 2011 at 8:00 p.m. at the Town of Cambria Town Hall, 4160 Upper Mountain Road, 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  
Robert E. Roberson, Attorney  
Randy Roeseler/Andrew Reilly, Wendel  
David E. Godfrey, Niagara County Legislator  
12 interested individuals

Following salute to the flag, Supervisor Ellis opened the public hearing on the DGEIS for the Niagara County Shovel Ready Project. The Clerk read the following public hearing notice:

### NOTICE OF PUBLIC HEARING

Please take notice that the Town Board of the Town of Cambria will conduct a public hearing at the Cambria Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, on the 11<sup>th</sup> day of August 2011 at 8:00 p.m. to hear and consider public comment on the proposed Draft Generic Environmental Impact Statement (DGEIS) on the re-zoning application from Walck, Wasik and Ohol to rezone approximately 152 acres of land encompassing five parcels of land situate along the north side of Lockport Road between Comstock Road and Campbell Blvd. from B-2 and A-R to P-D to create a "High Technology Manufacturing Site" in conformance with the Build Now – NY Shovel Ready Program.

Copies of the Draft Generic Environmental Impact Statement are available in the Office of the Town Clerk at the above address for inspection and/or copying during regular office hours. All interested parties will be heard.

### BY ORDER OF THE TOWN BOARD TOWN OF CAMBRIA

Andrew Reilly presented an overview of the project and, more specifically, the DGEIS. The project involves 152 acres of land of which approximately 86 acres would be developed. He explained the project will not impact any floodplains, wetlands or protected streams. Also, there are no threatened or endangered species or archaeological or historic resources that will be affected. The proposed PD zoning would allow uses such as data centers, high technology manufacturing, light assembly, financial centers and agriculture. The PD zoning is in accordance with the Town's Comprehensive Plan.

Mr. Reilly explained the purpose of the public hearing is to determine the specific and relevant environmental issues addressed in the draft GEIS and the potential impacts of the proposed project. Questions and comments received on the draft GEIS will be addressed in a final GEIS document. He further explained that the public comment period will be open for a ten day period for the submission of any comments.

The following individuals were given an opportunity to be heard:

Ron Caracci, Andrews Road, expressed his concern that developers are initially attracted to sites such as this for the tax breaks and once the tax incentives are no longer available, they abandon the property. He suggested the Board look into the exit strategies of the potential developers of the site.

As there were no further questions or comments, the public hearing was closed.

**TOWN OF CAMBRIA TOWN BOARD  
AUGUST 11, 2011 PAGE TWO**

Supervisor Ellis opened the regular meeting. Board members took action upon the following matters:

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved that the Minutes of July 14 and July 21, 2011 be approved as presented.**

**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 Fund	Claims 9 – 10	\$15,138.75
Drainage Fund	Claims 14 – 18	\$15,608.56
General Fund	Claims 358 – 413	\$46,759.58
Highway Fund	Claims 178 – 194	\$28,436.71
Recreation Fund	Claims 38 – 70	\$12,048.46
Refuse Fund	Claim 5	\$31,227.49
Sewer Operating	Claims 44 – 50	\$ 2,194.36
Trust Agency Fund	Claims 35 – 37	\$ 9,131.53
Water Construction Fund	Claims 10 – 14	\$15,052.86
Water Operating Fund	Claims 116 – 130	\$ 4,927.09

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

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

**PROCUREMENT FORM – OUTFIELD FENCING FOR TOWN PARK**

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Bush, it was resolved to approve the Procurement of outfield fencing for the Town Park from Fox Fence at a cost of \$9,488.00 and to authorize payment of same.**

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

**NIAGARA COUNTY SHOVEL READY PROJECT**

Andrew Reilly provided Board members with an update of the project, indicating the Planning Board will be meeting on August 15<sup>th</sup> to discuss the DGEIS. The final GEIS will then be prepared and the Planning Board will meet to discuss and make a recommendation on the final GEIS and rezoning. At their September meeting, the Town Board could then call a public hearing on the rezoning, which would be held at their October meeting. Board members were presented with a timeline schedule for the Project.

**TIME WARNER FRANCHISE AGREEMENT**

Attorney Roberson indicated discussions are ongoing with Time Warner representatives, specifically addressing internet and cable service to Town facilities. They have indicated to him that the franchise agreement only relates to cable service. He will pursue the matter further.

**LOCKPORT/COMSTOCK ROADS WATERLINE EXTENSION**

Randy Roeseler indicated the lines are connected, the intermediate valve was installed on Route 31 and the final restoration/grading should be completed within the next couple of weeks.

Councilman Ohol questioned why it was necessary to dig up approximately 20 feet of line on Comstock Road. It was indicated that an existing water valve was leaking and a new shut off valve was installed.

**TOWN OF CAMBRIA TOWN BOARD  
AUGUST 11, 2011 PAGE THREE**

**BROWNFIELDS GRANT**

Supervisor Ellis indicated that a Request for Qualifications for Engineering Services relating to the Brownfields grant involving remediation work at the Lockport Air Force Base was advertised. There was only one statement of qualifications received which was from Wendel, 140 John James Audubon Pkwy., Buffalo, NY.

A letter was received from the Committee selected to review the Statement of Qualifications and it is their recommendation that Wendel be retained as the Engineering Consultant for this remediation project, as they do meet the necessary technical requirements for the project.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to accept the recommendation to retain Wendel as the Engineering Consultant for the Brownfields grant remediation work at the Lockport Air Force Base.**

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

**SANITARY SEWER EVALUATION**

Randy Roeseler updated the Board on the sanitary sewer evaluation in the Fair Village area. Three sanitary sewer lines were flushed, internally inspected and videotaped. The videotape review identified various defects including leaks, breaks, open joints and root intrusion. Wendel recommends rehabilitating the 255 lf of sanitary sewer line from manhole 4 to manhole 5 along Fairview Drive ROW with work being performed in 2012 at an estimated cost of \$31,680. It is also recommended that the Town begin the annual flushing program in the Spring of 2012.

Following a brief discussion on the matter, Mr. Roeseler indicated his firm will prepare an estimate of cost to be addressed at the September meeting.

**NIAGARA PROFESSIONAL PARK**

Supervisor Ellis indicated members of the Town Board, Planning Board and other officials had an opportunity to visit the facility this week. Their formal opening is scheduled for August 29<sup>th</sup>.

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- ◆ Building Inspector's Report – July 2011  
Total Receipts - \$1,620.00  
Total estimated value of construction - \$226,300.00
- ◆ Town Clerk Report – July 2011  
Total Receipts - \$51,280.42
- ◆ Mount View Cemetery Report – January through June 2011  
Total Receipts - \$3,450.00
- ◆ NYS Department of Taxation & Finance – Office of Real Property Tax Services  
Certificate of Final State Equalization Rate 2011 Assessment Roll –100.00
- ◆ Copy of Application to NYS Alcoholic Beverage Control – State Liquor Authority submitted by Donald A. DeMaison, Long Cliff Winery & Vineyard, Inc. 3617 Lower Mountain Road
- ◆ Letter from Pekin Fire Co., requesting that Renee Willard-Larson, 3134 Upper Mountain Road be added to the roster of active members.

**TOWN OF CAMBRIA TOWN BOARD  
AUGUST 11, 2011 PAGE FOUR**

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the request of Pekin Fire Co., to add Renee Willard-Larson, 3134 Upper Mountain Road, Sanborn, NY, pending receipt of the required medical form.

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

**HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent reported on the following:

- ◆ Raymond Road is scheduled for top coat within the next two weeks; Plank Road has been chip sealed and will be topped and striped
- ◆ Town Park – Work will again commence once the paving work is completed.
- ◆ Shenk Road extension is completed and one meter pit has been installed at NCCC with one more expected to be installed before school starts. Also, the sewer at the BOCES facility is being looked at due to pressure fluctuation.

**ATTORNEY’S REPORTS**

Attorney Roberson reported that he has prepared the Inter-Municipal Management Agreement between the Town of Cambria and the Cambria Housing Authority for the Supervisor’s signature.

**RECREATION MATTERS**

Councilman Roberts reported on behalf of the Recreation Committee on the following matters:

- ◆ Procedures for advertising on the outfield fences
- ◆ Request that the Town Park Committee prepare the 2012 budget for the Town Park

Sally Marotta-Reed, Recreation Director, reported the Summer Day Program went very well; their final day was August 5<sup>th</sup>. The last summer concert, along with a car cruise, will be this coming Sunday with the “Flat Tops” performing.

Councilman Bush reported on another successful town wide garage sale. He indicated he would continue to volunteer to chair the 2012 sale.

**CONCERNS OF CITIZENS**

David Godfrey, Niagara County Legislator, reported on the following matters:

- ◆ Lower Mountain Road – He spoke with County personnel about the matter of the depth of the ditches and it was indicated they would “keep an eye” on the situation. He also stated the road is slated for paving and shoulder improvements.
- ◆ Log Cabin on Ridge Road – Mr. Godfrey indicated that there are no plans to re-locate the remains of the log cabin located on private property on Ridge Road. It was suggested that a historic roadside marker be installed at the site.
- ◆ Shovel Ready Project – Mr. Godfrey complimented the Town Board on their work for the Shovel Ready Project, indicating the project is important for economic development for both Niagara County and the Town of Cambria.
- ◆ Low-Cost Power – Assemblyman Ceretto and Senator Maziarz continue with their efforts in petitioning for low cost power for businesses and industries in this area.
- ◆ Niagara Falls Air Base – Mr. Godfrey indicated he had the privilege of joining NIMAC and going to Washington to meet with Legislators to stress the importance of the Niagara

**TOWN OF CAMBRIA TOWN BOARD  
AUGUST 11, 2011 PAGE FIVE**

Border Patrol location and keeping the Niagara Falls Air Base open, which is the largest employer in Niagara County

- ◆ Air Show – The Air Show will be held on September 10<sup>th</sup> and 11<sup>th</sup> and will feature the Thunderbirds. The 9-11 first responders will also be recognized and honored.

**NYS ASSESSORS ASSOCIATION MEETING**

A request was received from the Town Assessor for authorization to attend the NYS Assessors' Association seminar to be held in Buffalo, NY from September 11 – 14, 2011.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to authorize the Town Assessor to attend the NYS Assessors' Association seminar to be held in Buffalo, NY from September 11 – 14, 2011.**

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

**2012 BUDGET**

Supervisor Ellis indicated that he has started preparation of the 2012 Budget. Budget sheets have been provided to Department Heads and they are requested to submit them to his office by September 1<sup>st</sup>.

**PERSONNEL POLICY**

Supervisor Ellis indicated the Board would like to make a change to the personnel policy which would increase the amount to \$1,000 for those eligible for health insurance who do not participate in the Town's plan and to increase to \$600 the amount payable to those who do not take the plan, but would be eligible for the family plan for health related expenses.

**Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to amend the personnel policy to increase the amount to \$1,000 for those eligible for health insurance who do not participate in the Town's plan and to increase to \$600 the amount payable to those who do not take the plan, but would be eligible for the family plan for health related expenses.**

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

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Ohol and seconded by Councilman Blackman. Time: 9:00 pm

Respectfully submitted,

Lou Ann Murawski  
Town Clerk