

**TOWN OF CAMBRIA TOWN BOARD**

**AUGUST 9, 2012**

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 9<sup>th</sup> day of August 2012 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York

**BOARD MEMBERS PRESENT:**

Wright H. Ellis, Supervisor  
Robert E. Blackman, Councilman  
Matthew P. Foe, Councilman  
Joseph Ohol, Councilman  
Randy M. Roberts, Councilman

**ALSO PRESENT:**

Jon T. MacSwan, Highway Superintendent  
Tamara J. Cooper, Deputy Town Clerk I  
Robert Roberson, Attorney  
Randy Roeseler, Wendel  
David Godfrey, Niagara County Legislator  
John Shiavone, Lumsden & McCormick  
3 interested individuals

Following salute to the flag, the meeting was called to order by Supervisor Ellis.

**PUBLIC HEARING – AMEND TOWN ORDINANCE FOR TOWN OWNED PROPERTY AREAS**

The following public hearing notice was read by the Clerk:

**PLEASE TAKE NOTICE** that the Town Board of the Town of Cambria will hold a Public Hearing on the 9<sup>th</sup> day of August, 2012, at 8:00 p.m. at the Cambria Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, to hear and consider amending Town Ordinance for Town Owned Property Areas by adding the following:

The provisions of this Ordinance shall apply to all Town properties except the Town of Cambria Town Park. The Town of Cambria Town Park and the Rules and Regulations of the Town Park, as approved by the Town Board from time to time, are exempt from this Ordinance.

A copy of the proposed Amendment is on file with the Town Clerk at the above address for inspection and/or copying during regular office hours.

All parties in interest will be heard.

**BY ORDER OF THE TOWN BOARD TOWN OF CAMBRIA**

Supervisor Ellis opened the public hearing. There was no one present desiring to be heard. The hearing was closed.

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to approve the Minutes of the Town Board meeting held on July 12, 2012.**

**Ayes: Blackman, Ellis, Foe, Ohol, Roberts**

**-Motion Carried-**

**APPROVAL OF VOUCHERS**

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

Capital Projects	Claims	26-32	\$	10,294.63
Cemetery	Claims	5-7	\$	108.98
Drainage	Claims	22-24	\$	321.27
General	Claims	302-351	\$	46,357.13
Highway	Claims	172-189	\$	29,416.51
Recreation	Claims	45-65	\$	12,006.67
Sewer Construction	Claims	2-3	\$	13,515.00
Sewer Operating	Claims	46-52	\$	1,056.64
Trust Agency	Claims	35-37	\$	10,679.03
Water Operating	Claims	137-159	\$	6,758.79

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved that the abstract of audited vouchers be approved as presented.**

**Ayes: Blackman, Ellis, Foe, Ohol, Roberts**

**-Motion Carried-**

## **2011 FINANCIAL AUDIT**

Supervisor Ellis indicated that the 2011 financial audit results for the Town have been received. He introduced John Schiavone, Lumsden & McCormick, to summarize the findings.

Mr. Shiavone stated that the Town of Cambria has no material weaknesses in internal control. The current assets are strong and cash balances are very healthy across the funds as of 12/31/2011. On the revenue side, property taxes were up due to the fact that the Highway fund incurred a deficit in fiscal year ending 2010. The increase was required in order to get that deficit back to a positive, which it has. Fund balances for the major funds: General, Highway, and Water Funds showed improvements. Fiscally, the Town remains in a very good and solid financial position.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to acknowledge the receipt and filing of the audit of the Town of Cambria financial statements for the period ending December 31, 2011, as conducted by Lumsden & McCormick, LLP, Certified Public Accountants, which audit included the examination of the Justice Court records.**

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

## **ADOPTION OF AMENDMENT TO TOWN ORDINANCE FOR TOWN OWNED PROPERTY AREAS**

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Blackman, it was resolved to adopt the amendment to the Town Ordinance for Town Owned Property Areas to include the following provision: #10 The provisions of this Ordinance shall apply to all Town properties except the Town of Cambria Town Park. The Town of Cambria Town Park and the Rules and Regulations of the Town Park as approved by the Town Board from time to time, are exempt from this Ordinance.**

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

## **CROWN CASTLE LEASE AGREEMENT/UNISON PROPOSAL**

Attorney Roberson had nothing to report on this matter.

## **FORMER LOCKPORT AFS REMEDIATION / DEMOLITION WORK**

Randy Roeseler, Wendel, gave an update on the progress of this project. A community meeting was held at the Cambria Housing Authority and it was well attended. The contractor was in attendance and discussed with the residents what they can expect during construction. As a grant requirement, a letter was mailed to adjacent residents and, so far, there have been no concerns. The work will begin on Monday, August 13, 2012, after the asbestos work plan is complete.

## **FORMER LOCKPORT AFS SANITARY SEWER WORK**

Randy Roeseler, Wendel, indicated that the specifications are ready for the rehab work. Mr. Roeseler is requesting the Town Board to authorize Wendel to advertise for bids for the Former Lockport AFS Sanitary Sewer Work, beginning next Tuesday, August 14, 2012, and receiving bids at the Town Hall on August 30, 2012 at 1 pm.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to authorize Wendel to advertise for bids for the Former Lockport AFS Sanitary Sewer Work, beginning next Tuesday, August 14, 2012, and receiving bids at the Town Hall on Thursday, August 30, 2012 at 1 pm.**

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

## **TOWN PARK RULES AND REGULATIONS - AUGUST 9, 2012**

The following proposed draft, dated August 9, 2012, was provided to the Town Board for its review and approval.

### **TOWN PARK RULES AND REGULATIONS**

#### **ARTICLE I**

##### **Purpose and Intent.**

As used in this Article, reference to land described as the "Town Park" shall mean the real property acquired by the Town of Cambria by deed recorded December 30, 1999, recorded in the Niagara County Clerk's office in Liber 2987, Pages 341, 342 and 343 and being further described by Tax Map No. 106.00-1-30.12

In enacting this article, the Town of Cambria Town Board supports the following statutory purposes for creating and maintaining park areas which includes, among others: public health, pleasure, recreation, athletics and amusement. Park purposes shall include any incidental uses attendant to maintaining and operating the park including, but not limited to, maintenance garages, limited commercial uses such as a snack bar and any other similar use which shall be approved by the Town Board.

The Town of Cambria encourages the use and enjoyment of the Town Park by the public to promote and enhance the well being of each individual. The use of the Town Park by the public may also, if not controlled, endanger the safety of others and may deny them opportunity of enjoying the park. Therefore, to enhance and promote the safety and enjoyment of each individual, the following rules and regulations are established to govern the conduct of the public.

#### **SECTION 100.01 HOURS OF OPERATION**

The Town Park shall be open from dawn to dusk, unless otherwise posted.

#### **SECTION 100.02 PERMITS, CONDITIONS, FEES**

- A. Permits for the use of any designated picnic, athletic area or facility may be granted by the Town Park Director or by such other person designated by the Town Board. Permits and applications shall be available at the Town Clerk's office and reservations may be made up to six months in advance for the current year. All fees are non-refundable.
- B. Any person, firm or corporation issued a permit assumes all liability and responsibility for any activity conducted under the authority of the permit or any actions resulting from activities authorized by the permit. The permit may not be transferred.
- C. The request for the permit must be accompanied by the permit fees, if any, and by any other documents which may be required as a condition of the permit, such as a certificate of insurance and a copy of not-for-profit (501) c status, if applicable.
- D. In any case where the permit holder or employee shall have been found to have violated a condition of the permit, the permittee or person attending who has violated shall be held liable for any damages or loss suffered by the Town.
- E. No person shall interfere with any person or party occupying a picnic area under the authority of the permit.
- F. The Town Board shall set a schedule of fees, attached hereto as Schedule A, which may be amended by resolution, from time to time, upon recommendation of the Recreation Committee and Park Director. If the request for a permit has been denied, the Town will notify the applicant of its reasons for the denial. Permit fees will be returned to the applicant. A permit may be denied for any of the following reasons:
  - (1) Another activity or use has been previously scheduled for the same time.
  - (2) The proposed activity or use cannot be accommodated with safety for all park patrons or may result in damage to the park, athletic field or facility or otherwise endanger Town property or the public order.
  - (3) Conditions of the permit have not been met by the applicant or there has been past abuse or violation of this article.
  - (4) The proposed activity or use would require the Town to expend additional funds to provide for supervisory, maintenance or law enforcement personnel, equipment or services.
  - (5) In the judgment of the Park Director, the use is not in the best interests of the Town or its residents.

#### **SECTION 100.03 RESTRICTED ACTIVITIES**

- A. Advertising.** No person shall post, paint, affix, distribute, hand out, deliver, place or leave about any bill, billboard, placard, ticket, handbill, circular or advertisement, display and flag, banner, transparency, target, sign, placard or any other matter for advertising purposes on any structure, tree or rock at any place within the Town Park.
- B. Solicitation of alms or contributions.** No person shall solicit or request contributions for any purpose without direct permission from the Park Director.
- C. Sales of merchandise.** No person shall sell, or offer for sale, any merchandise except under a written agreement with the Park Director, and then, only at the place and time designated and upon terms approved by the Town Board.
- D. Meetings, exhibitions and parades.** No person, without a written permit by the Park Director or Town Supervisor, shall erect any structure, tent, stand or platform; or perform any ceremony, conduct any form of entertainment, performance or motion picture for commercial or non-commercial purpose(s) without a permit.
- E. Parking.** No parking will be permitted except in designated areas; loading and unloading shall be accomplished in designated areas only.
- F. Noise.**
  - a. No person shall play any radio, compact disc, tape player, any musical instrument, television, computer or other electronic device of any nature at any time at such a volume as to unreasonably disturb another person or to interfere with any other person or party.
  - b. No person shall cause or permit any loud or disturbing talking, shouting, singing, music or other noise to be made of such intensity as to annoy or disturb another person or party or adjoining residents.
- G. Glass Containers.** Use of glass containers is prohibited.

**H. Littering.**

- a. No person shall deposit, dump, throw or place any refuse, earth, rubbish, dust or similar material in or upon any part of the park except in such receptacles as are provided. Pet owners shall be responsible for removing and properly disposing of fecal matter from park property. Pet “clean-up” stations are provided to encourage control of pet litter.
- b. No person shall, in any manner, place any sewage, garbage, trash, litter, debris, object or waste materials in any pond, waterway or creek within the Park or adjoining the park.

**I. Natural Features/Wildlife.**

- a. No person shall permit any animal owned by him or her, in his or her custody, or under his or her control or ownership to run at large in the Town Park. Dogs, when restrained by a leash, are allowed.
- b. No person shall ride, drive, lead or keep a horse within the Town Park. The Park Director may issue a waiver for horse-driven carriages for special event(s). The waiver will terminate at the conclusion of the event.
- c. No person shall kill, wound, trap, hunt, take, shoot, harass, remove or have in his or her possession any animal, bird, bird’s nest or squirrel’s nest, or remove the eggs or young of any such bird or animal within the Town Park.
- d. No person shall remove or cut firewood, regardless of whether the tree or wood is dead, fallen, diseased, or otherwise, from the Town Park.
- e. The Nature Trail is located in an environmentally sensitive and protected area. Particular care must be exercised when exploring the Nature Trail to respect all plant and animal life.

**J. Camping.** No person shall camp in the park; however, the Park Director, upon approval by the Town Board, may waive this restriction for special events, upon conditions set forth in the permit. The waiver will terminate upon conclusion of the event.

**K. Location of Picnics.** No person shall hold a picnic in the park except in designated areas.

**L. Consumption of alcoholic beverages.** No person shall consume any alcoholic beverage or possess any open container of any alcoholic beverage in any vehicle parked on any roadway or parking lot or within 200 feet of any playground, ball diamond or in any other area of the park or building except in designated picnic areas or as set forth in a permit.

**M. Building of fires.** No person shall kindle, build or maintain or use any fire except at such times and places provided for such purpose. Fires shall be continuously under the care and direction of a competent person over the age of 18 years from the time kindled until they are extinguished.

**N. Explosives and fireworks.** No person shall bring into or possess in the Town Park any explosives or fireworks, including any substance having properties that may decompose suddenly or generate sufficient heat, gas or pressure to produce a rapid flaming combustion. Exception: Fireworks display authorized and approved by the Town Board.

**O. Weapons.**

- a. No person shall use any firearm of any kind or description within the confines of the Town Park.
- b. No person shall possess or carry, unless authorized by New York State and federal gun laws, any instrument or weapon in which blank cartridges or ammunition may be used. No person shall take into the parks or have in his or her possession any rifle, shotgun, air gun, spring gun, paint gun, muzzle-loading gun or other instrument or weapon in which the propelling force is a spring air or CO2 capsule.
- c. No person shall use bows and arrows or crossbows of any kind or description within the confines of the park.

**P. Commercial Uses**

- a. No person shall engage in any commercial enterprise, including but not limited to, the offering of services, soliciting, selling or peddling liquids or edibles for human consumption or distribute circulars or hawk, peddle or vend any goods, ware or merchandise within the Town Park, except as provided by special permission of the Park Director.
- b. No person shall cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other object within the Town Park any bill, advertisement or inscription. Nor shall any person distribute, cast throw or place any handbill, pamphlet, circular, advertisement or notice of any kind within the Town Park except by special permission of the Park Director.

**SECTION 100.04 RECREATIONAL ACTIVITIES**

- A. Swimming, diving, wading.** No person shall swim, bathe, wade or dive in a park pond, lake or creek or walk upon the frozen surface thereof.
- B. Toy or model rockets, aircraft or boats.** No person shall use a toy or model rocket, aircraft, boat or floating device within the confines of the park or upon any pond, lake or waterway therein.

- C. Park trees, shrubs and structures.** No person shall climb any tree or pick any flowers or fruit or break, cut down, trample upon, remove or, in any manner, injure or deface any tree, shrub or any building fence or structure or any other property within the park.
- D. Skating, sleighing and coasting.** No person shall use any roller skates, roller blades, skateboards or sled or use a sled on any surface, coast with vehicles on wheels or runners, except at such places within the park designated by the Park Director.
- E. All-terrain vehicles.** All-terrain vehicles or any motorized vehicles or similar type vehicles designated for operation primarily on off-highway trails and competitions are prohibited.
- F. Snowmobiles and skidoos.** Snowmobiles and skidoos or any such mechanized motor-driven sled or vehicles on runners are prohibited.
- G. Aviation.** No person, except in an emergency, shall bring, land or cause to descend within or upon the Park any airplane, flying machine, balloon, parachute, or other apparatus for aviation. The Town Park Director may waive this restriction for a special event. The waiver will lapse at the conclusion of the event.
- H. Golf.** The hitting of golf balls within the confines of the park is prohibited.
- I. Buildings/Property**

No person shall willfully mark, soil, deface, or injure in any way, or displace, remove or tamper with any park building, structure, restroom/washroom facility, table, bench, fireplace or other cooking facility, railing, paving or paving material, water line or other public utility or parts or appurtenances thereof or equipment thereon, park sign, notice or placard whether temporary or permanent, monument, stake, post or other boundary marker or other structure or equipment, facility or park property or appurtenance whatsoever, either real or personal.
- J. Gambling.** Gambling, lotteries and games of chance are prohibited.
- K. Conduct of games.** All games of any description must be conducted in a safe and orderly manner and no dangerous practices shall be allowed. No person shall play games for which the Town Board has required a permit or fixed a fee without first obtaining such permit or paying a fee.
- L. Metal detectors.** The use or operation of a metal detector or other mechanical device to locate buried or concealed metal shall be allowed only in designated areas.
- M. Bicycling.** No person shall operate a bicycle within the limits of the park unless (s)he shall wear a protective helmet, as required by New York State law.
- N. Inflatable objects.** Only permit holders are allowed to erect an inflatable object, which includes but is not limited to bounce houses and water slides, for a specific activity. The applicant must apply and receive a permit for the activity. The permit will expire at the conclusion of the event. Specific
- O.** Minimum insurance requirements shall apply as approved by the Town Board and a certificate of insurance naming the Town of Cambria as an additional insured shall be submitted by the permit holder prior to approval and issuance of any such permit.
- P. Fishing.** All those individuals above the age of 16 must have a valid fishing license. Compliance with rules and regulations as promulgated by New York State Department of Environmental Conservation shall apply. Cleaning of fish in the pond/lake or surrounding areas as well as disposal of bait in the water is prohibited. Fishermen are to limit themselves to fishing from the shore, in designated areas.
- Q. Tents.** Those individuals requesting to construct a tent or any structure, whether temporary or permanent, as part of an activity within the confines of the park must first obtain a permit from the Town Clerk's office and approved by the Town Park Director or Town Supervisor. The permit will expire at the conclusion of the activity. Tents shall not exceed 12 feet by 17 feet and are restricted to areas within 100 feet of gazebos or shelters and 200 feet from residential property and soccer and baseball fields.
- R. Traffic.** No commercial vehicle(s) trailers or vendors will be allowed in the park or park approach except to make deliveries in the park or as otherwise authorized by the Park Director or upon terms set forth by the Town Board. No person shall use the park drives for the purpose of instructing another to drive or operate any vehicle, or for learning to drive or operate any vehicle. No person shall cause or permit a vehicle in tow of another vehicle to enter the park, except in case of a breakdown. In that case, a disabled vehicle may be towed to the exit.

Speed limit within the Town Park shall not exceed 15 mph unless otherwise posted.

#### **SECTION 100.05 VIOLATIONS**

- A.** In the event that a firm, person or corporation is found by the Town Recreation Committee, Park Director or Town Supervisor to have violated this article or the directive or permits issued by the past Director or Committee, then the right of any such individual, firm or corporation to use the Town Park or any facility therein shall terminate.
- B.** Any conduct which violates these rules and regulations may be prosecuted as a violation of the Public Order and Public Sensibilities provisions of the New York State Penal Law or as a violation of any other applicable provision of the New York State Penal Law.

**SCHEDULE "A"  
FEE SCHEDULE**

**SHELTER RESERVATIONS**

TOWN RESIDENTS - \$25.00 PER DAY

NON-RESIDENTS - \$50.00 PER DAY

**BASEBALL DIAMOND USE**

1 Game	\$50.00	Non-Profit Organization
1 Game	\$75.00	For-Profit Organization
Multiple Game Days	\$40.00	Non-Profit Organization (at least three game days)
Multiple Game Days	\$50.00	For-Profit Organization (at least three game days)
Try-Outs	\$50.00	Any Organization

**Outside Organization**

**Tournaments** \$25.00 Per game – No materials except for one game prep each day  
\$50.00 Per game with field maintenance between games (groundskeeper needs to be there between games)

**For Baseball Director to  
Be on staff**

\$100.00 for eight hours of the tournament per day

**TOWN OF CAMBRIA**

**APPLICATION FOR USE OF PARK SHELTER  
AND TOWN OF CAMBRIA PARK SHELTER USE AGREEMENT**

This application is being made with the understanding that the applicant has read, acknowledges and understands the Town of Cambria Town Park Rules and Regulations and will comply with the same.

(RESERVATIONS ACCEPTED BEGINNING JANUARY 1<sup>ST</sup> FOR CURRENT YEAR ONLY)

Town Residents \$25.00 per day (Proof of residency required)

Non-Residents \$50.00 per day

**ALL FEES ARE NON-REFUNDABLE**

REQUEST FOR RESERVATION OF THE FOLLOWING SHELTER:

SHELTER #1 \_\_\_\_\_ SHELTER #3 \_\_\_\_\_  
SHELTER #2 \_\_\_\_\_ SHELTER #4 \_\_\_\_\_

DATE OF EVENT \_\_\_\_\_ NO. OF PERSONS ATTENDING \_\_\_\_\_

ARRIVAL TIME \_\_\_\_\_ DEPARTURE TIME \_\_\_\_\_

APPLICANT'S NAME \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

ADDRESS \_\_\_\_\_

The undersigned acknowledges receipt of and agrees to abide by the Town of Cambria Town Park Rules and Regulations .

Signature of Applicant \_\_\_\_\_ Date: \_\_\_\_\_

This agreement must be signed and returned to the Town Clerk, along with the required fee to the address below:

Town of Cambria Town Clerk  
4160 Upper Mountain Road  
Sanborn, NY 14132  
(716) 433-7664

REMINDER: NO GLASS CONTAINERS – NO BOUNCE HOUSES, BLOW-UP SLIDES, DUNKING TANKS  
OR ANY AMUSEMENT RIDES – ANIMALS MUST BE ON LEASHES AND CLEANED UP AFTER – MUSIC  
MUST NOT INTERFERE WITH OTHER PICNICKERS

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TO BE COMPLETED BY TOWN CLERK'S OFFICE

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Reason \_\_\_\_\_

Amount Paid \_\_\_\_\_ Date Paid \_\_\_\_\_ Received by \_\_\_\_\_

**TOWN OF CAMBRIA TOWN PARK  
SPECIAL EVENT USE APPLICATION FORM  
(REQUIRED CERTIFICATE OF INSURANCE MUST BE FURNISHED WITH APPLICATION)**

Today's Date: \_\_\_\_\_ Date(s) Requested: \_\_\_\_\_ Time: \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_ Date(s) Requested: \_\_\_\_\_ Time: \_\_\_\_\_ to \_\_\_\_\_

Shelter/Area Requested: \_\_\_\_\_

**INFORMATION ABOUT YOUR GROUP**

Name of Applicant Organization or Individual: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_ (Fax) \_\_\_\_\_

Name of Event Manager (Contact Individuals, **please list two**): \_\_\_\_\_

Address of Primary Contact Person: \_\_\_\_\_

Telephone Number (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_ (Emergency) \_\_\_\_\_

Address of Secondary Contact Person: \_\_\_\_\_

Telephone Number (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_ (Emergency) \_\_\_\_\_

**INFORMATION ABOUT INTENDED USE OF TOWN PARK FACILITIES**

Event Name: \_\_\_\_\_

Event Purpose & Description: \_\_\_\_\_

Proposed Events/Entertainment/Activities: \_\_\_\_\_

Expected size of Audience: \_\_\_\_\_ Admission Fee Charged? \_\_\_\_\_ Yes \_\_\_\_\_ No If Yes, Amount \$ \_\_\_\_\_

Proposed Use of Proceeds From Event: \_\_\_\_\_

Will Alcohol/Beverages/Food be served? (please specify): \_\_\_\_\_

Please list all Vendors being used for Event: \_\_\_\_\_

**This application is being made with the understanding that the applicant has read, acknowledges and understands the Town of Cambria Town Park Rules and Regulations and will comply with same.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

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**TO BE COMPLETED BY PARK DIRECTOR**

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Reason \_\_\_\_\_

Park Director Signature \_\_\_\_\_ Date \_\_\_\_\_

Amount Paid \_\_\_\_\_ Date Paid \_\_\_\_\_ Received by \_\_\_\_\_

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Blackman, it was resolved to adopt the Town Park Rules and Regulations as presented.**

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

#### **WATER SEWER DEPARTMENT BUILDING**

Jon MacSwan, Highway Superintendent, presented an overview of his request to construct a new water storage pole building for storage for hydrants, old parts for hydrants, grinder pumps, and waterline material.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize the Town Clerk to advertise on behalf of the Town Board for a 48 ft. by 72 ft. by 16 ft. Water Storage Building according to the specifications, including an option for thickness of the concrete floor: option #1- 6": and option #2- 4". All sealed proposals will be accepted by the Town Clerk until 10:00 am on Tuesday, August 28, 2012.**

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

Following a brief discussion, it was determined that the front of the storage building will face north.

#### **REPORTS:**

##### **TOWN CLERK**

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

- Building Inspector's Report:           Total Receipts: \$1,730.00  
  Total Estimated value of construction: \$937,776.00
- Town Clerk's Monthly Report:       Total Receipts: \$52,559.57
- NYS Department of Taxation & Finance - Office of Real Property Services –  
Certificate of final state equalization rate - 100 %.

Councilman Ohol had a question with regard to the 2012 Equalization Rate Status report from the Office of Real Property Tax Services and how the percentage change in estimate of full value was derived. This question will be referred to the Assessor.

##### **HIGHWAY SUPERINTENDENT**

**Jon MacSwan, Highway Superintendent, reported as follows:**

- As a result of the windstorm, the chipper is out taking care of the fallen tree branches, etc.
- Mr. MacSwan is waiting for the County's paver to be repaired. When back in service, the Town Park road will be paved, along with the basketball court.
- The newest Town Park baseball diamond is up to grade and will be seeded soon.
- Shawnee Road will be skim coated and shoulders will be installed. Shoulders were installed on Cambria Road for preparation for paving next year. Mr. MacSwan explained that it works out well to do the shoulder of the road a year before the road paving. In the event it settles, it will be obvious by spring and a skim coat can be added, providing for a much stronger shoulder.

Councilman Ohol voiced his concern regarding the shoulders of the road being prepared prior to the paving and whether or not the weight of the plows will have an adverse effect. Mr. MacSwan assured the Town Board that it has worked out well in the past; with the mixture they use for the shoulders, they will be very stable.

##### **RECREATION**

- Councilman Roberts reported that the Recreation Day program has wrapped up and ran smoothly. Sally Marotta-Reed will complete and submit her report within the next couple weeks.
- Some baseball teams/leagues are finished for the year, and some continue. Councilman Roberts congratulated the Town of Cambria 18 under girls softball league, coached by Larry Amacher, for winning the championship in their division.

##### **TOWN POLICIES AND PROCEDURES REVIEW COMMITTEE**

Councilman Foe reported that he and the committee took the month off. In the meantime they have a proposal to change some of the wording on the Tonawanda Solar Energy System regulations. This will be worked on and he anticipates that it should be prepared and ready for Town Board review after the next meeting.

## ATTORNEY

Attorney Roberson reported the Town of Cambria sold the BAN on the Comstock Road Waterline to the Bank of Akron at 1.23%.

## CONCERNS OF THE CITIZENS:

David Godfrey, Niagara County Legislator, reported as follows:

- He was in attendance at the meeting at the Cambria Housing Authority sponsored by Wendel. He commended the contractors on the information they provided to the residents.
- Secretary of Defense, Leon E. Panetta, visited the Niagara Falls Air Force Base today. The outcome at this point is unknown. The County issued an Economic Impact Document, nine pages in length, detailing what the impact to Niagara County alone would be with the loss of any missions or wings at the base, including the loss of the airport. \$200, 000,000.00 annual loss if the base is closed. 3300 jobs plus their spouses and children.
- The Niagara Economic Development did a presentation on the County's business growth and retention program. He will provide a copy of the annual report to the Town Board.
- The Center for Economic Development also published the Niagara County Industrial and Manufacturing Directory. Mr. Godfrey congratulated Cambria for being densely populated with business.

## NEW BUSINESS

### BANKING RESOLUTION

Supervisor Ellis indicated that as a result of HSBC Bank changing over to Key Bank, it is necessary to update the resolution from the January re-organizational meeting to add Key Bank and delete HSBC as the official bank for the Town of Cambria.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to add Key Bank at Sanborn/Cambria to the list of Official Banks for the Supervisor, Town Clerk, Building Inspector and Town Justices and delete HSBC BANK, USA from the list of Official Banks.**

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

### DEPUTY BUILDING INSPECTOR POSITION

Supervisor Ellis indicated that an amendment to NYS Town Law and NYS Public Officers Law has been approved by the Governor authorizing the Building Inspector to reside outside of Cambria.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to authorize the Supervisor to hire James P. McCann of 54 Waterman Street, Lockport, as Deputy Building Inspector at a salary of \$515.00 paid bi-weekly, pending approval of his application by Niagara County Civil Service.**

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

### PROCUREMENT POLICY PURCHASES:

There were two procurement forms submitted for approval:

#### REPLACE OVERHEAD DOOR FOR OLD HIGHWAY GARAGE

Mr. MasSwan received three quotes to replace old overhead doors at the former highway garage on Lower Mt. Rd. that were damaged as a result of a car accident. The money was budgeted, and he would like to use Overhead Door Company, the middle quote, as all other overhead doors at the Town from this company are serviced by them. This will be a sole source provider.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to authorize the purchase of two overhead doors from Overhead Door Company, as a sole source provider, in the amount of \$3,680.00 for the former Highway Garage located on Lower Mountain Road.**

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

**SECURITY / FIRE SYSTEM FOR MUNICIPAL GARAGE**

Supervisor Ellis indicated that the old system in the municipal garage is not in use. This building houses equipment of significant value with no security or fire alarm system. Three quotes were received for this project. Eastern States Sentinel Alarm System installs, maintains and monitors all other security systems in Town facilities; therefore, it is recommended that their proposal for \$3,481.00 be approved as a sole source provider. This project was not budgeted for; however, the money is available for this project given that the Town Hall parking lot will not be sealed this year.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the purchase of Security / Fire Alarm System for the Municipal Building Garage, from Eastern States Sentinel Alarm, as a sole provider, in the amount \$3,481.00, which covers the cost of the security / fire alarm system and monitoring.**

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

**ADDITIONAL MATTERS**

Councilman Foe suggested to the Town Board that they explore the idea of installing a pavilion with a concrete pad on the Town Hall property for Gazebo Concerts and for the summer recreation children to get relief from the sun. Councilman Foe feels it would be a good time to do so as a bid is already in place for pavilions in the Town Park. This would be in place of the tent rental and would ultimately save the Town money. Councilman Ohol was in agreement with this suggestion.

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Ohol and seconded by Councilman Foe. Time: 8:55 pm.

Respectfully submitted,

Tamara J. Cooper  
Deputy Town Clerk I