

**TOWN OF CAMBRIA TOWN BOARD**

**July 11, 2013**

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 11<sup>th</sup> day of July 2013 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  
Lou Ann Murawski, Town Clerk  
Robert Roberson, Attorney  
Randy Roeseler, Wendel  
David Godfrey, Niagara County Legislator  
8 interested individuals

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

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to approve the Minutes of June 13, 2013.**

**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 Project AFB Remediation	Claims	9	\$2,900.00
Cemetery	Claims	8	\$37.91
Drainage	Claims	13-15	\$1,414.53
General Fund	Claims	271-318	\$50,647.87
Highway Fund	Claims	107-118	\$31,030.65
Recreation	Claims	17-30	\$6,495.84
Refuse	Claim	6	\$33,127.58
Trust Agency Fund	Claims	29-35	\$11,365.43
Water Operating Fund	Claims	112-126	\$15,999.31

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

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

**-Motion Carried-**

**UNION CEMETERY (BUDD ROAD CEMETERY)**

Officers representing the Union Cemetery were present to give a brief overview of the financial needs of the cemetery and what they are requesting from the Town in order to continue to maintain it on their own. Elaine Long, Treasurer, indicated that the cemetery consists of two acres and there are 140 open plots which sell for \$400.00 each. In the past, the cemetery has survived on donations. Last year they received \$450.00. The money received is not enough to cover the cost of mowing and trimming which is approximately \$120.00 each time. Ms. Long said they have tried advertising, contacting local clergy and funeral homes and hosted a clean-up day to help their cause. She is open for other suggestions. David Godfrey, Legislator, suggested contacting the Niagara County Sheriff's Work Release Program and request workers for next spring.

Ms. Long believes that \$1,000.00 will be enough from the Town to keep the cemetery sustained without the Town having to take over. The matter will be discussed during the 2014 budget meetings.

**PAINTING CONTRACT FOR OLD TOWN HALL**

Jon MacSwan, Highway Superintendent, indicated he is in receipt of three proposals from contractors interested in painting the Historical Society Building: CertaPro Painters \$8,900.00; Dan Pearce Painting \$9,495.00 and Nye Painting Services \$8,300.00. He recommended acceptance of the low proposal submitted by Nye Painting Services in the amount of \$8,300.00.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to accept the proposal of Nye Painting Services in the amount of \$8,300.00, to paint the Historical Society Building, 4153 Lower Mountain Road, in accordance with the specifications set forth.**

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

**-Motion Carried-**

#### **FORMER LOCKPORT AFS DEMOLITION/REMEDIATION BID AWARD**

Randy Roeseler, Wendel, updated the Town Board on the AFS Demolition/Remediation project. The contractor intended to begin work this week; however, the 4th of July holiday delayed the paperwork. The paperwork is now in order, the Town Attorney has reviewed it and it is ready for signatures. Work should commence the week of July 22<sup>nd</sup>, with the completion date of September 6<sup>th</sup> remaining the same.

#### **COMPREHENSIVE PLAN UPDATE ADVISORY COMMITTEE**

Supervisor Ellis indicated that the committee has been chosen for the comprehensive plan updates and will consist of: Town Board Members: Wright Ellis and Joseph Ohol, Planning Board: William Amacher and John Phillips, Zoning Board of Appeals: Theresa Kroening and Michael Sieczkowski, and Building Inspector James McCann. The first meeting will be held July 23<sup>rd</sup> at 7 pm.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to appoint the members to the Comprehensive Plan Update Advisory Committee.**

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

**-Motion Carried-**

#### **TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Building Inspector's Report ó June 2013 ó Total Receipts: \$1,940.00; Total estimated value of construction: \$224,525.00.
- Town Clerk Monthly Report ó June 2013 ó Total Receipts: \$12,904.50.
- Mt. View Cemetery Report ó January ó June 2013 Total Receipts: \$900.00.
- Application for renewal of a liquor license for the Country Roadhouse Inn., 2989 Ridge Road- A copy has also been forwarded to the Building Inspector.
- Letter of resignation, dated June 26<sup>th</sup>, from Michael Bechtel from the Zoning Board of Appeals effective immediately.

#### **HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent reported as follows:

- Paving has been completed on Cambria and Old Shawnee Roads. Signs were placed on Old Shawnee Road, as the road has been damaged from oversized trucks using it as a short cut. Some sealing of roads need to be done throughout the Town. Baer Road will be paved next year and preparation will begin this year with cross culverts. He indicated it is best not to do the culverts the same year as paving as the stone will settle.
- The wood chipper is still out.

#### **WATER / SEWER**

Supervisor Ellis questioned the status of the new water storage building and when the equipment will be moved into the building. Mr. MacSwan said the floor will be sealed next week. They want the concrete to be cured prior to moving anything into the building.

Councilman Ohol asked what will be done about the approach to the doors on the building. Mr. MacSwan indicated that next year it will be paved; but, in the interim, run- of-crush stone will be used.

#### **TOWN POLICY AND PROCEDURES REVIEW COMMITTEE**

Councilman Foe reported that the Committee has reviewed definitions. The Committee will be recommending to the Town Board that a public hearing be held on a Property Maintenance Local Law.

**ATTORNEY REPORTS – No reports presented.**

**RECREATION COMMITTEE**

Councilman Roberts, Recreation Liaison reported:

- Baseball Program and the Summer Recreation Program are doing very well this year. The number of participants has increased which means increased revenue for the Town.
- The Committee is concerned with security at the Town Park. A baseball storage shed was moved from Cambria Fire Hall to the Town Park and it was broken into that night. There have been reports of picnic tables being stacked on top of each other so people can climb on top of the pavilion roofs and reports of racing cars in the park. The Committee suggested that the Town constable can patrol the park. Jon MacSwan indicated that the Sheriff's Department has patrolled the park in the past and he will make a phone call to see if they can patrol again a couple times a week. He also reported that new locks and deadbolts have been installed on the storage shed.
- The Committee is also requesting that the Town Grant Writer research to see if the Town would qualify for any grants pertaining to the park.

Rodney Hogg, Baseball Director, reported that everything was going very well.

Sally Marotta-Reed, Summer Recreation Director, reported that her program was also running well. There are over 144 registered at the Cambria site and 32 at Pekin site. Attendance has been very consistent.

A lengthy discussion ensued with regard to the Pekin Fire Company's Recreation Contract and concerns that were brought up at last month's meeting that directly affect the Recreation Program at the Pekin site.

Ms. Reed noted that regardless of the situation and issues, everything is running extremely well.

**CONCERNS OF CITIZENS**

David Godfrey, Legislator reported:

- Emergency Radio System- contracts are signed and, if the winter is good, the infrastructure will be ready in April of 2014; if not good, August of 2014
- A Consultant is working on the Air Base situation and there is a meeting scheduled for next week.
- The Economic Development Committee passed resolution to apply for more grant funding for Cambria's Technology Park infrastructure.
- The Capital Project of Upper Mountain Road re-construction- \$320,000- no start date as of yet
- National Grid approved a three year rate plan
  - Reduce electric delivery rates for residential, commercial and industrial customers
  - Capital investments of \$1.6 million in electric and gas infrastructure in upstate New York
  - Increase in annual spending on economic development from \$9 - \$11 million
- Rural Broadband- still moving forward
- IDA- They are meeting with the fiber company, ECC- they installed a complete fiber backbone for the entire county of Ontario. They claim they can get all federal and state funding which will pay about 90%.
- Proposed Resolution for the Board to consider regarding a request to the International Joint Commission to Reject the Proposed Plan 2014 in its entirety. Mr. Godfrey explained the plan, known as Plan 2014, replaces the current regulation that controls water levels of Lake Ontario. A copy of the proposal will be provided for the Board's consideration.
- Regarding the closing of the County landfill, Mr. Godfrey indicated that clay will be hauled for capping which, he believes, should be completed by October.

**ZONING BOARD OF APPEALS APPOINTMENT**

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to accept the resignation of Michael Bechtel from the Zoning Board of Appeals effective immediately.**

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

**-Motion Carried-**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to appoint Michael Sieczkowski, ( presently an alternate), as a member of the Zoning Board of Appeals, to complete the unexpired term through December 31, 2013.**

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

**-Motion Carried-**

#### **CEMETERY STORAGE BUILDING ROOF**

Jon MacSwan, Highway Superintendent reported that three quotes were received for the installation of a new roof on the cemetery storage building. The recommendation is to accept the proposal submitted by Niagara Construction with the low price of \$1,500.00. Proof of insurance will be submitted prior to commencement of work.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to accept the proposal from Niagara Construction to install a green steel roof on the storage building at the Mt. View Cemetery at a price of \$1,500.00.**

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

**-Motion Carried-**

#### **DESIGNATION OF SECRETARY OF STATE FOR FILING NOTICE OF CLAIMS**

**WHEREAS,** General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

**WHEREAS,** General Municipal Law §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, or person for the transmittal of notices of claim served upon the Secretary of State as the Town's agent; and

**WHEREAS,** pursuant to General Municipal Law §50-e (1) (a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

**Now, therefore, be it**

**RESOLVED,** that the Town Board of the Town of Cambria, County of Niagara, State of New York, hereby designates the Secretary of State as the agent for the service of a notice of claim upon the Town. Any such notice of claim served upon the Secretary of State is to be mailed to the Town Clerk, Town of Cambria, 4160 Upper Mountain Road, Sanborn, NY 14132.

**BE IT FURTHER RESOLVED,** that the Town Board hereby directs the Town Clerk to file a certified copy of this resolution with the Secretary of State setting forth the Town's designation and the applicable time limit for the filing of a notice of claim.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to adopt the resolution directing the Town Clerk to file a certified copy of same with the Secretary of State.**

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

**-Motion Carried-**

#### **TELEPHONE SYSTEM UPGRADE PROPOSALS**

The matter was tabled until the August meeting.

#### **FIRE COMPANY MEETING**

Supervisor Ellis stated that a meeting is scheduled with Cambria and Pekin Fire Companies on Thursday, August 1, 2013, at 7 pm regarding the Service Award Program.

#### **PROPOSED LOCAL LAW 2- 2013- PROPERTY MAINTENANCE LOCAL LAW**

Supervisor Ellis requested that a public hearing be called for Thursday, August 8, 2013, at 8:00 pm on the proposed Property Maintenance Local Law.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to call a public hearing for Thursday, August 8, 2013, at 8:00 pm on proposed Local Law 2-2013 Property Maintenance Local Law for the Town of Cambria, Niagara County, New York.**

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

**-Motion Carried-**

**ADDITIONAL MATTERS**

Councilman Ohol informed Jon MacSwan, Highway Superintendent, that he noticed some shingles missing from the east side of the salt barn and wondered if it was from wind damage. Mr. MacSwan indicated that the damage happened over the winter and he is getting quotes for the repair work. He further indicated that the entire top section of the roof needs replaced so insurance will not cover it. He is looking into repairing the damage until he figures out what to do. Councilman Ohol questioned why the insurance company would not pro-rate the damage. Mr. MacSwan reported that he has been in contact with the insurance company and they are requesting an estimate of roof repairs.

Councilman Foe requested the Highway Department employees spray the perimeter of the fence with round-up as the weeds and vines are growing up.

**ADJOURNMENT**

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts. Time: 9:15 pm.

Respectfully submitted,

Lou Ann Murawski, Town Clerk