

TOWN OF CAMBRIA TOWN BOARD

JULY 14, 2011

The regular meeting of the Town of Cambria Town Board was held on the 14th day of July 2011 at 8:00 pm at the 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

Union Sun & Journal Reporter

ALSO PRESENT:

Jon T. MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Robert Roberson, Attorney
David Godfrey, Niagara County Legislator
Randy Roeseler, Wendel
Sally Marotta Reed, Recreation Director
Rodney Hogg, Baseball Director
Four 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 that the Minutes of the Town Board meeting held on June 16, 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	Claim 8	\$ 209.70
Drainage Fund	Claims 12 – 13	\$ 3,651.34
General Fund	Claims 307 – 357	\$57,199.99
Highway Fund	Claims 150 – 177	\$171,294.44
Recreation Fund	Claims 18 – 37	\$ 3,546.44
Sewer Operating Fund	Claims 37 - 43	\$ 968.41
Trust Agency Fund	Claims 26 – 34	\$ 2,312.07
Water Construction Fund	Claims 7 – 9	\$238,270.59
Water Operating Fund	Claims 98 – 115	\$50,655.37

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

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

Supervisor Ellis requested authorization for payment of four additional vouchers which are not included on the abstract: Metzger Engineering for \$320.00, 90 West concert for \$450.00, Glenn Colton concert for \$349.00 and Tommie Dee & Billy Dee concert for \$375.00.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman it was resolved to authorize payment of the four vouchers as presented.

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

NIAGARA COUNTY SHOVEL READY PROJECT

Supervisor Ellis and Randy Roeseler, Wendel Duchscherer, reported on the progress of the “Shovel Ready” project. Mr. Roeseler explained that the Planning Board will be meeting on July 18th, at which time their comments relative to the DGEIS will be addressed. The DGEIS will then be ready for public review and comment. He recommended the Town Board call for a special meeting which will enable the Board to schedule a public hearing for the August 11th meeting. He indicated the final environmental impact statement should be ready for final adoption at the Board’s regular meeting in October.

Supervisor Ellis called for a Special Meeting on the matter to be held Thursday, July 21, 2011 at 11:30 am.

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TIME WARNER CABLE FRANCHISE

Attorney Roberson reported he has been in contact with Sharon Hansen from Time Warner. They are awaiting a response from their counsel's office.

LOCKPORT/COMSTOCK ROAD WATERLINE EXTENSION

Supervisor Ellis reported the first payment request for the Lockport/Comstock Roads Waterline project is included for payment on this month's abstract. Supervisor Ellis will initiate the necessary documents for a Bond Anticipation Note in the amount of \$350,000.00. This amount is \$135,000.00 less than what was originally anticipated for bonding.

Randy Roeseler reported on the status of the project. The waterline has been installed and inspected. We are currently waiting for final approval from the Niagara County Health Department.

BROWNFIELD GRANT

Supervisor Ellis indicated the Town has received the final approval from the Environmental Protection Agency for the Inter-municipal agreement with the Cambria Housing Authority and specifications for the Request for Qualifications for engineering services.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol it was resolved to approve the Inter-municipal agreement between the Town of Cambria and the Town of Cambria Housing Authority concerning management of the Brownfield grant by the Town and to authorize the Supervisor to sign the agreement.

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

Supervisor Ellis indicated the RFP/RFQ will be advertised, requesting receipt of submittals by August 3rd; action to be taken at the August 11th Town Board meeting.

SANITARY SEWER EVALUATION

Randy Roeseler indicated they are in the process of viewing the video reports and will have a full report and recommendations by the next Town Board meeting.

Supervisor Ellis reported the receipt of reimbursement of \$3,800.00 from the Niagara County Sewer District No. 1 for the inflow analysis/video examination of the pipe.

TOWN CLERK REPORTS

The Town Clerk received the following communications/reports:

- Building Inspector Report June 2011:
Total Receipts: \$2,527.50
Total estimated value of construction cost: \$429,461.00
- Town Clerk Report June 2011:
Total Receipts: \$12,197.41
- Letter from NYS DOT regarding the speed reduction request on Baer Road; a traffic engineering investigation has been initiated.
- Letter from Pekin Fire Company requesting the addition of Paul Rousseau, 3914 Lower Mountain Rd, Lockport to the active roster.

Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts it was resolved to approve the addition of Paul Rousseau, 3914 Lower Mountain Rd, Lockport to the roster of active members, pending receipt of the required medical form.

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

- Letter from Pekin Fire Company, listing the names for members of Pekin Jr. Firefighters' Explorer Post #1732. Copy filed in Town Clerk's office.
- Notification from NYS Office of Real Property Tax Services establishing the 2011 Tentative Equalization Rate at 100.00.

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Councilman Ohol commented on the Building Inspector's report regarding permit number 4528, which reflects the total value of the work being done. The report includes both the cost of the repair (\$22,000) as well as the addition to the building (\$5,000). He indicated the repair costs were more than the addition and expressed his concern that the way it is listed on the report could be misleading to the Town Assessor. It was suggested that Councilman Ohol speak with the Assessor regarding this matter.

HIGHWAY SUPERINTENDENT REPORTS

Jon MacSwan, Highway Superintendent, reported as follows:

- Plank Road is scheduled for a topcoat next week.
- The first baseball diamond at the Town Park is up and running. The soccer field is coming along and may be ready for next year.
- The Highway Department is still hauling dirt from the Urology center; about 75% is moved.
- Reminder to the town residents – there is no chipping done in July and August.
- The Highway Department is working on the inventory of all the Town Park equipment; the list should be ready for the next Town Board meeting.
- Request for Town Board approval to purchase a used irrigation system from Tom Faery, Ridge Road, which will be used to maintain the baseball diamond and soccer field at the Town Park. Mr. Faery is asking \$2,500.00; however, the equipment needed some work to get it running. With the Board's authorization Mr. MacSwan would like to offer \$1,800.00 for the equipment.

Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts it was resolved to authorize the Highway Superintendent to purchase a used overhead irrigation system from Tom Faery, Ridge Road, at a price not to exceed \$1,800.00.

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

The Highway Superintendent expressed his appreciation to the Town Board for their help and support with matters relating to the Town Park.

WATER/SEWER DEPARTMENTS

- Mr. MacSwan reported the sewer extension on Shenk Road is about 40 feet from completion; it should be finished up this week. They will then concentrate on the NCCC meter pit and work at BOCES.
- The roof repairs to the Water Building are almost complete; they are waiting for the steel roofing. Thilk Electric will then complete the electrical work. The building should be done this month.

ATTORNEY

Mr. Roberson reported that, at the request of the Supervisor, he became involved in the Brownfield Grant for the Cambria Housing Authority premises. Research of the tax status showed substantial liens on the properties. Mr. Roberson found it was improperly classified and assessed as a commercial property. By statute, housing authorities are exempt from local taxes. Mr. Roberson has spoken with the Assessor to correct the situation; the assessment for the last three years will be corrected.

Councilman Ohol asked if it was possible to remove the tax liens since it was improperly classified? Mr. Roberson replied he is working with the Assessor and the County to have the taxes waived as far back as possible.

- Mr. Roberson has drafted a management agreement that was approved earlier by the Town Board and after discussion with the Supervisor it was submitted to the EPA; it was approved as submitted by the EPA. Substantial portions of the RFQ have been redrafted and have also been approved as submitted by the EPA.

RECREATION MATTERS

Councilman Roberts reported no meeting was held this month. The Baseball Director and Recreation Director presented the following reports:

Baseball Director Rodney Hogg reported the grand opening of the Town Park's baseball diamond was held June 20. Mr. Hogg presented to the Town Board the baseball used for the first pitch to

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place in the trophy case. Mr. Hogg reported a good turnout at the event, with over 300 hot dogs, soda and water served at the grand opening.

- Day Recreation Program Director Sally Reed reported they have approximately 160 children registered for the program. The program is offering new activities this year such as activities by the Girl Scouts, story time and mini sports clinics including soccer, baseball and basketball. There have been very few incidents this year, with only three weeks remaining.

CONCERNS OF CITIZENS

Legislator David Godfrey reported on the following matters:

- Plans for the Air Show are progressing; it will be held September 10-11, 2011.
- NIMAC will be going to Washington, DC lobbying for the airbase to stay open in Niagara County.
- With the upcoming anniversary of the War of 1812, there have been discussions about the original log cabin which is presently located on Ridge Road in the vicinity of Faery's Nursery. Discussions have been to replicate the log cabin, using some of the original logs and locating it at the triangle at the foot of Indian Hill to honor the War of 1812. The county website is available for more information regarding the activities being planned.
- Progress on the narrow band radio project continues.

APPRAISAL TRAINING

Request received from the Town Assessor to authorize educational training for Debra Littere to attend a 5-day seminar for appraisal course at Cornell University from July 18-22, 2011. This training is necessary to gain credit hours towards her certification as Real Property Appraisal Technician.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman it was resolved to approve the request for Debra Littere to attend a 5-day seminar for appraisal course at Cornell University from July 18-22, 2011.

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

IRS MILAGE

Supervisor Ellis reported the IRS has increased the reimbursement rate for mileage to 55.5¢ per mile effective July 1, 2011.

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol it was resolved to adjust the standard mileage rates for the Town of Cambria to correspond with the IRA rate of 55.5¢ per mile effective July 1, 2011.

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

SUPPORT OF TOWN OF SOMERSET RESOLUTION – MITIGATION OF ENVIRONMENTAL FEES CHARGED TO AES SOMERSET

Board members were provided with a copy of the Resolution adopted by the Town of Somerset requesting that our State legislators and Governor Cuomo support measures to help mitigate the impact of the current \$10 million in environmental fees charged to AES Somerset through the Regional Greenhouse Initiative. The resolution also calls for repeal of Governor Paterson's Executive Order No. 24, which sets unrealistic targets for the reduction of greenhouse gas emissions in New York State.

Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts it was resolved to issue a letter that the Town of Cambria supports the letter of Legislator John Syracuse and resolution adopted by Town of Somerset relative to regulatory burdens placed on AES Somerset by various levels of government.

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

ADDITIONAL MATTERS

- Councilman Bush announced the Ninth annual yard sale will be held this weekend
- Councilman Bush indicated that he received complaints from several residents on the south side of Lower Mountain Rd., east of Baer Rd. regarding the depth of the ditches. When the County cleaned them, they dug them deeper than the culvert causing standing water to remain in the open ditch. Legislator Godfrey indicated he would check into the matter.

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- Councilman Roberts indicated he would like to see a separate line item for engineering services in the 2012 budget for each specific department where engineering services are required. This would allow for closer monitoring on funds spent on Engineering. He would request the Board members support. Supervisor Ellis indicated he would check into the matter.

EXECUTIVE SESSION

Upon a motion duly made by Councilman Ohol and seconded by Councilman Bush it was resolved to enter into executive session to discuss union negotiations.

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

THERE WAS NO ACTION TAKEN DURING THE EXECUTIVE SESSION

Upon a motion duly made by Councilman Blackman and seconded by Councilman Bush, it was resolved to adjourn the executive session.

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Bush and seconded by Councilman Blackman. Time: 10:00 pm.

Respectfully submitted,

**Lou Ann Murawski
Town Clerk**

