

TOWN OF CAMBRIA TOWN BOARD

June 13, 2013

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 13th day of June 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
Tom Reynolds, Wendel
10 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 Blackman and seconded by Councilman Roberts, it was resolved to approve the Minutes of May 9 and May 15, 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	6-8	\$15,910.73
Capital Project Town Park	Claims	3-6	\$3,836.06
Cemetery	Claims	3-7	\$436.05
Drainage	Claims	8-12	\$24,126.05
General Fund	Claims	214-270	\$32,814.45
Highway Fund	Claims	84-106	\$33,737.02
Recreation	Claims	10-16	\$4,187.25
Refuse	Claim	5	\$33,127.58
Sewer Operating Fund	Claims	22-25	\$281.88
Trust Agency Fund	Claims	25-28	\$46,248.43
Water Operating Fund	Claims	96-111	\$87,029.64

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

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

2012 FINANCIAL AUDIT

Supervisor Ellis indicated that the 2012 financial audit results for the Town have been received. He introduced John Schiavone, Lumsden & McCormick, to summarize the findings.

Mr. Shiavone gave a brief explanation of their findings, indicating that the Town continues to be in a strong financial position. Overall, the Town started and ended the year fiscally sound. All funds have positive balances and should provide the Town with the means to finance future operations as the years progress.

A copy of the financial statement will be available in the Town Clerk's office for review by any interested individuals.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, 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, 2012, 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-

2013 ENGINEERING CONTRACT - AMENDMENT

Attorney Roberson explained that when the proposed 2013 Engineering contract with the Town was submitted, it inadvertently included the wrong Appendix A which *did not* include engineering services during construction. The correct Appendix A *includes* engineering services during construction. Mr. Roberson is recommending that the Town Board authorize the amendment by removing the incorrect Appendix A and substituting the correct Appendix A, which has been part of the contract with the Town in the past. It was not the intention of the Town Board or Wendel to change the conditions of the contract.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved that the 2013 Municipal Engineering Service Agreement with Wendel be amended by replacing current Appendix A titled – General Conditions *Excluding* Services During Construction with Appendix A, titled - General Conditions *Including* Services During Construction, as was used in the 2012 agreement.

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

FORMER LOCKPORT AFS DEMOLITION/REMEDIATION BID AWARD

Randy Roeseler, Wendel, stated that bids for Soil Remediation and General Site Clean-up for the Former Lockport Air Base-Remediation and Demolition Project were received and opened on May 30, 2013. The Environmental Services Group, Tonawanda, NY, submitted the low bid of \$146,622.50. An interview was conducted with Brian Harris from The Environmental Services Group to confirm his understanding of the requirements of this project. Mr. Roeseler felt his responses were satisfactory and is recommending the Town Board award the bid to The Environmental Services Group. The work is expected to begin the week of July 8th and anticipated to last approximately six weeks.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Blackman, it was resolved to award the bid to The Environmental Services Group, 177 Wales Ave., Tonawanda, NY 14150, in the amount of \$146,622.50, pending Town of Cambria Attorney review and approval of the bonds and insurances to be submitted, noting that this is a unit price contract.

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

ENGINEERING DURING CONSTRUCTION AND RESIDENT OBSERVATION SERVICES PROPOSAL

Wendel Engineering, in conjunction with Watts Architecture and Engineering, submitted a proposed scope of work for the Soil Remediation and Miscellaneous Site Cleanup at the Former Lockport Air Force Base. This work is to begin immediately upon authorization. It will be a five week duration of site construction. Full time resident observation services are estimated to be 15 days during soils remediation work and part time observation will be provided, as needed, during other activities. The cost is as follows:
Engineering During Construction-\$11,000.00 Lump Sum and Resident Observation Services-\$18,000.00 Time and Material Basis.

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to accept the Engineering During Construction and Resident Observation Services Proposal for the Soil Remediation and Miscellaneous Site Cleanup at the Former Lockport Air Force Base - Engineering During Construction-\$11,000.00 Lump Sum / Resident Observation Services-\$18,000.00; Time and Material Basis for a total of \$29,000.00.

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

COMPREHENSIVE PLAN UPDATE PROPOSAL

Supervisor Ellis indicated that the Town Board has been discussing the idea of updating the Comprehensive Plan that dates back to 1997, which is an update from the original Master Plan of 1965. The Board has been working with Wendel to focus in on specific areas that need to be adjusted or updated, called a Targeted Plan Update which will include: Land Use, Agriculture and Zoning, Environmental Resources/Sensitive Environmental Areas, Demographics, Infrastructure and Transportation/Traffic.
Fee for the work described in the proposal would be \$30,000.00 and the Town may consider a \$5,000.00 allowance in case there are other topic areas that need to be included.

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to accept the proposal from Wendel for consultant services to complete a targeted update to the Town of Cambria Comprehensive Plan within a six month time period for a fee of \$30,000.00, with an allowance of \$5,000.00 for any additional work, subject to Town Board approval.

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

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Building Inspector's Report of May 2013 of Total Receipts: \$4,062.00; Total estimated value of construction: \$274,050.00
- Town Clerk Monthly Report of May 2013 of Total Receipts: \$74,655.23
- Notice of Tentative State Equalization Rate for 2013 Assessment Roll of 100.00%
- Letter from Cambria Volunteer Fire Company requesting acceptance of new member Robert Paul, 2065 Swann Road, Ransomville, NY 14131- subject to receipt of required physical form.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to accept Robert Paul, 2065 Swann Road, Ransomville, NY 14131, as a member of the Cambria Volunteer Fire Company, pending receipt of initial qualifying physical.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- Weather has put mowing behind at the baseball diamonds, grounds, and cemeteries.
- Highway Employees are keeping up with chipping.
- Paving update: Northway, Southway, Pascoe Park, Joanne, part of Shenk and ½ of Cambria Roads are all paved. Plans to resurface Shunpike and Old Shawnee Roads.
- CSX started work on Comstock Road. The surveyors were at the site and they will be doing some restoration work on the crossing.

WATER / SEWER

- Jon MacSwan, Highway Superintendent indicated that Tom Reed and another employee mowing the lawn at the Pekin Fire Company noticed that one of the baseball diamonds was wet where there had never been a problem. The location was tested for chlorine and it was discovered that there was a leak in the waterline that runs from Carney Drive over to Upper Mountain Road. It was an easy fix and was repaired within a couple of hours.
- Some fire hydrants are also being replaced due to damage from accidents.

Councilman Foe asked Mr. MacSwan if there has been any progress with negotiations on the County's tub grinder. Mr. MacSwan indicated that he is still waiting to hear from them on this issue. Councilman Foe and Mr. MacSwan agreed that acquiring this piece of equipment will result in a significant savings to the Town.

TOWN POLICY AND PROCEDURES REVIEW COMMITTEE

Councilman Foe reported that the Committee met earlier in the day and continue to work on cleaning up definitions. Numerous calls have been received by the Supervisor and Building Inspector from irate residents regarding unkempt yards. Originally, this issue was being deferred to the New York State Property Maintenance Law; but, this is not working. The Committee is looking to fine tune a law that was originally proposed in 2010 to more accurately meet the needs of the Town regarding unkempt property.

ATTORNEY REPORTS

No report.

RECREATION COMMITTEE

Sally Marotta-Reed indicated that both Pekin and Cambria Sites had pre-inspections from the Niagara County Health Department and it went very well. Supervisor Ellis asked if the use of restroom facilities was going to be addressed with the Pekin Fire Company. Mrs. Reed explained that she was informed today that, after eight years of having access to indoor facilities at Pekin, the members have decided that

Recreation Program children and workers are only to use the provided outside building and portable toilets. There is no provision in the agreement with the Town for the use of Pekin's indoor restroom facilities. She further stated that the Niagara County Health Department requires both a hand sanitizer and a hand washing station. Mrs. Reed stated that Rodney Hogg, Baseball Director, is looking into the cost of hand washing station with the vendor that provides the portable toilets for the baseball program.

Supervisor Ellis asked Lawrence Amacher, President Pekin Fire Company, why the policy had changed. A brief discussion followed regarding the contract and the partnership the Town has with the Fire Company. Mr. Amacher stated there had been no issues the past year with Mrs. Reed's program using the indoor facilities. Mr. Amacher indicated that a couple members want to adhere to what is in the written contract. Councilman Foe suggested the verbiage of the contract be changed.

Following a brief discussion, Mr. Amacher indicated that this information has to be referred to the members of the fire company for discussion and, if necessary, he could call a special meeting. He said he will find out within the week what needs to be done to resolve the issue before the program starts on the 25th of June. In the meantime, it was suggested that Mrs. Reed get some quotes for a hand washing station for the Pekin site.

CONCERNS OF CITIZENS

There was no one present desiring to be heard on any particular matter.

OFFICE FURNITURE PROPOSAL

Supervisor Ellis explained that proposals for new office furniture for the conference room was submitted in the 2012 budget and carried over into the 2013 budget. The conference room is used by the Town Board, Zoning Board of Appeals, Planning Board and the Justice Courts. The furniture that is currently in that room consists of portable tables and basic chairs that have been in use since 1976 when the building was built. The Board feels it is time for an updated, professional look. A quote was received from Office Furniture Center, Tonawanda, NY, for a table, storage credenza and 12 chairs for a total of \$9082.66, which includes delivery and set up. Only one proposal is needed as this is from state contract.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to accept the proposal from Office Furniture Center to provide conference room furniture in the amount of \$9,082.66 including delivery and set up.

Councilman Foe agrees that new and professional office furniture is needed for the conference room; however, he feels the price is a bit exorbitant.

Ayes: Blackman, Ellis, Ohol, Roberts
No: Foe

-Motion Carried-

UNION CEMETERY OF NORTHEAST CAMBRIA

This issue is tabled until July meeting.

EAGLE SCOUT PROCLAMATION

Supervisor Ellis indicated that subsequent to last month's Board meeting, he received notification that Daniel F. Gifford, Boy Scout Troop 8, earned his Eagle Scout Award. On May 28th, the Town Board approved the following Proclamation via telephone and it was presented by Councilman Ohol at the ceremony which was held on June 2nd. It is now necessary to ratify the Board's action in issuing the Proclamation which reads as follows:

Whereas, the Boy Scouts of America was founded on February 8, 1910, in the United States of America; and

Whereas, on October 9, 2007, Daniel F. Gifford joined Cambria Boy Scout Troop 8 of the Iroquois Trail Council; and

Whereas, Daniel has earned 21 merit badges, his favorite being the Archery merit badge which encouraged him to participate in statewide archery competition, earning 4th place for Olympic Recurve Bow; and

Whereas, Daniel has assumed ever increasing positions of responsibility, including Assistant Patrol Leader, Patrol Leader and Assistant Senior Patrol Leader and was elected to the Order of the Arrow; and

Whereas, Daniel has exemplified leadership qualities, organizational skills and strength of character while completing his Eagle Scout Project by assisting the Burt, NY Historical

Society with the restoration of an old barn and some smaller buildings that needed repair and paint; and

Whereas, as a member of Troop 8, Daniel, through his hard work and personal commitment, attained the rank of Eagle Scout on June 2, 2013, the highest and most prestigious rank offered by the Boy Scout Program; and

Whereas, the Scout motto is “Be Prepared”, and from the day that Daniel became a Scout, he set about preparing to help other people; and

Whereas, Scouts believe it is their duty to love their country, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies; and

Whereas, character, participation and leadership are the basis of good citizenship; therefore, be it

Resolved, the Town of Cambria is proud of your achievement, advancement to the rank of Eagle Scout, and shares with you in one of the greatest occasions, not merely of your career as a Scout, but of your whole life, and honors you this day by resolution of the Town Board on May 28, 2013.

TOWN OF CAMBRIA TOWN BOARD

Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved to ratify the action the Board took on the 28th of May 2013, in issuing a proclamation recognizing the achievement of Daniel F. Gifford on earning his Eagle Scout Badge.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

ASSESSOR TRAINING

Supervisor Ellis is in receipt of a request from the Assessor's Office to attend training in Ithaca, NY, from July 15- 20, 2013, for Assessor, Janelle Kroening and Real Property Appraisal Tech. Trainee, Debra Littere. The cost will be \$850.00 plus transportation and meals.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve personnel from the Assessor's Office to attend training in Ithaca, NY, from July 15- 20, 2013, at a cost of \$850.00 plus transportation and meals

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

PAINTING CONTRACT FOR OLD TOWN HALL

Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to table this matter until the July Town Board meeting.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

CONTRACT RENEWAL – NORTHEAST CUMMINS MAINTENANCE AGREEMENT FOR BACKUP GENERATORS

Upon a motion duly made by Councilman Roberts and seconded by Councilman Blackman, it was resolved to approve the Contract Renewal for the Planned Maintenance Agreement with Northeast Cummins for maintenance on two generators, Town Hall / Town Garage in the amount of \$787.25 and the Water Pump Station in the amount of \$799.15 – Total amount \$1,586.40.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

~~Councilman Ohol~~ asked Mr. MacSwan if he felt this maintenance agreement is still a good expenditure. Mr. MacSwan indicated he felt it was, as the company is very thorough with their checklist.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Ohol. Time: 8:45 pm.

Respectfully submitted,

Lou Ann Murawski, Town Clerk

