

TOWN OF CAMBRIA TOWN BOARD

MARCH 10, 2011

The regular meeting of the Town of Cambria Town Board was held on the 10th day of March 2011 at 8:00 PM at the Town Hall, 4160 Upper Mountain Rd., 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 MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Robert Roberson, Attorney
David Godfrey, Legislator
Robert Klavoon, Wendel Duchscherer
Andrew Reilly, Wendel Duchscherer
Approximately 20 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 to approve the Minutes of the Town Board meetings of February 10, 2011, and February 17, 2011.

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:

Drainage	Claims	2-3	\$ 1,411.15
General Fund	Claims	96-132	\$ 38,478.87
Highway Fund	Claims	37-62	\$ 42,468.17
Sewer Operating Fund	Claims	11-16	\$ 280,368.55
Trust Agency Fund	Claims	6-7	\$ 606.44
Water Construction	Claims	1	\$ 25,875.00
Water Operating Fund	Claims	39-49	\$ 5,858.73

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

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

2010 FINANCIAL AUDIT

Supervisor Ellis indicated that the 2010 financial audit for the Town has been completed by the accountants, Lumsden & McCormick. The Annual Update Document is now being prepared and will be submitted by the Supervisor to the NYS Comptroller's office no later than March 31, 2011. The financial statement should follow sometime in late April or early May.

2011 MULTIPURPOSE HYDRAULIC EXCAVATOR BID PACKAGE

Jon MacSwan, Highway Superintendent, announced there were five different companies that submitted bids on the mini excavator and he is still doing the comparisons from the information that was provided by each company.

WATERLINE EXTENSION BID PACKAGE - LOCKPORT/COMSTOCK ROADS

Robert Klavoon, Wendel Duchscherer, explained that in December of 2010 the Town Board authorized Wendel to prepare the plans and specifications for approximately 4700 feet of 8" and 12" waterline on Comstock Road and Lockport Road. The purpose of this project will be to extend the waterline, eliminate some dead ends and to increase the water quality in the southeast part of the Town. The design plans are completed and approval was received from the Niagara County Health Department. Mr. Klavoon is recommending the Town Board authorize the Town Engineers to set a bid date, making the books and specifications available starting Monday, March 14, 2011, and to receive bids on Monday, April 7, 2011, at 11 a.m. at the Town Hall.

Upon a motion duly made by Councilman Blackman and seconded by Councilman Ohol, it was resolved to authorize the Town Clerk to advertise for sealed proposals on behalf of the Town of Cambria Water District for the waterline work on Lockport/Comstock Roads in accordance with the notice of bidders.

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

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Niagara County SPCA Report: February 2011 - 14 Animal Contacts
- Building Inspector's Report: February 2011
Total Receipts: \$2,505.00
Total Estimated value of construction: \$76,500.00
- Town Clerk's February 2011 Report: Total Receipts: \$30,858.12
- Letter from Senator George Maziarz supporting the Town Board's resolution relating to the proposed property tax cap and mandate relief.
- Letter from Assemblyman, John Ceretto advising of approval of his sponsored legislation relative to the use of lever action voting machines for villages.
- Letter from Cambria Volunteer Fire Company requesting the removal of three members from active service: Mary Graff, 5006 Escarpment Dr., Lockport, NY; Michael Lute, 193 Church St., Lockport, NY; Brandon Rounds, 4765 Marjorie Dr., Lockport, NY. Additionally, they would also like to move Christopher Fournier, 4200 Lower Mt. Rd, Lockport, NY, from the Junior Fire Fighter program to active fire services, as he will be responding to emergency calls.

Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to approve the addition of Christopher Fournier to the roster of the Cambria Volunteer Fire Company, and to remove the names of Mary Graff, 5006 Escarpment Dr., Lockport, NY; Michael Lute, 193 Church St., Lockport, NY; Brandon Rounds, 4765 Marjorie Dr., Lockport, NY.

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

HIGHWAY SUPERINTENDENT REPORTS

Highway Superintendent Jon MacSwan stated there has been no major flood thus far and equipment is being prepared for summer. He also mentioned that, from December 1st until last week, there was not a weekend that went by where there was no snow fall, freezing rain or slush. It has been a very active winter and he has his quota in for salt, with a good stockpile remaining.

ATTORNEY REPORTS – No reports

CONCERNS OF THE CITIZENS

Supervisor Ellis acknowledged 13 students in the audience from Starpoint High School fulfilling their requirement for government class.

Sally Marotta-Reed, Summer Recreation Director, discussed her attendance at the Children's Camp meeting sponsored by the Niagara County Health Department. A presentation was given on expectations by the Health Department and new State regulations. The presentation also included possible proposals and changes for the 2012 Summer Camp season. According to the Health Department more of the area camps will be complying with the rules and regulations this year. She also indicated that the pre-inspections for both sites are set up; all her forms are prepared, field trips are scheduled and all the information is online for this summer's program.

Legislator David Godfrey indicated that he was also in attendance for the Children's Camp meeting. His concern is that all surrounding towns, villages, etc., that fall within the guidelines for summer camps comply with the regulations in effect from the Niagara County Health Department and New York State. Mr. Godfrey commended those from Cambria and Wilson, who complied last year and met all the requirements.

Mr. Godfrey also reported as follows:

- The Redistricting Commission has asked for an extension for a couple weeks;
- The AES Plant in Somerset announced to their employees that if there is no buyer they will shut down by June, which is not good news for the County;
- There is no news yet on Verizon;
- The Legislature approved the assignment of a consultant for the narrow band radio program;
- On September 10th & 11th, all are invited to the Air Base to commemorate the 10th anniversary of September 11th, along with honoring all first responders. It is also the Air Base's 60th anniversary. More information is available on the Thunder of Niagara website, thunderofniagara.com.
- At the next Legislature meeting, County Clerk Wayne Jagow, will be introducing a new program entitled "Thank a Vet". He explained that veterans may go to the County Clerk's office with their discharge papers and their picture will be taken to provide them with a photo ID card. This identification card can be presented to participating restaurants and retailers in Niagara County to receive a variety of discounts.

Councilman Bush asked Mr. Godfrey if AES does shut down, will tax money still be received on the property. Mr. Godfrey explained that there is an agreement with the IDA so the tax should continue, probably until the length of the agreed upon PILOT.

MOUNT VIEW CEMETERY RESOLUTION

Supervisor Ellis explained that this resolution will authorize the Supervisor or, in his absence, the Deputy Supervisor, to duly execute the deeds conveying cemetery plots in the Mount View Cemetery.

The following resolution was presented:

WHEREAS the Town of Cambria by duly adopted Resolution dated March 14, 2002, accepted the conveyance of Mt. View Cemetery.

WHEREAS under the ownership of the Town of Cambria the cemetery continues to sell cemetery burial plots, and

WHEREAS, the sale and conveyance of title of such cemetery plots is evidenced by a deed to be duly executed by the Supervisor of the Town of Cambria.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor, or in his absence, the Deputy Supervisor, of the Town of Cambria is hereby authorized to duly execute deeds conveying cemetery plots in the Mt. View Cemetery as the same may be sold from time to time and

BE IT FURTHER RESOLVED that any deeds conveying such cemetery plots upon their sale which may have been duly executed by the Supervisor of the Town of Cambria prior to the date hereof and subsequent to March 14, 2002, are hereby authorized, reaffirmed and ratified in all respects to have the same force and effect as if they had been executed subsequent to the date hereof.

Upon a motion duly made by Councilman Blackman, seconded by Councilman Bush, it was resolved to approve the resolution authorizing the Supervisor or, in his absence the Deputy Supervisor, to duly execute the deeds conveying cemetery plots in the Mount View Cemetery.

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

FIREMEN'S SERVICE AWARD PROGRAM

Supervisor Ellis indicated there are 47 members between the Cambria and Pekin Fire Companies who are in the program and nine who are post entitlement who were qualified in 2010 for the Fireman's Service Award. This is five less than in 2009.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved to approve the 2010 Firemen's Service Award census for the Cambria Volunteer Fire Company and Pekin Fire Company.

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

TOWN CLERK'S CONFERENCE

Lou Ann Murawski, Town Clerk, requested authorization for Tamara J. Cooper, Deputy Clerk I, to attend the Annual New York State Town Clerk's Conference to be held in Buffalo, NY from May 1st to May 4th, 2011.

Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to authorize Tamara J. Cooper, Deputy Clerk I, to attend the Annual Town Clerk's Conference in Buffalo, NY to be held from May 1st through May 4th, 2011.

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

EXPENDITURE OF TOWN HIGHWAY FUNDS

Supervisor Ellis explained that this is an annual agreement executed between the Town Board and Highway Superintendent. This year the Town Board is authorizing the sum of \$341,650.00 for general repairs upon 31.58 miles of town highways; improvements on Burch Road (the town line) leading to NYS Route 104 for a distance of 1.28 miles and Plank Road (Lower Mountain) to NYS Route 104 for a distance 1.98 miles.

Upon a motion duly made by Councilman Ohol, seconded by Councilman Blackman, it was resolved to authorize the Agreement to Spend Town Highway Funds for 2011 in the amount of \$341, 650.00.

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

NIAGARA COUNTY SEWER DISTRICT #1- CONTRACT FOR IMPLEMENTATION OF INFILTRATION AND INFLOW PROCEDURES

Supervisor Ellis gave a brief description of the proposed contract, explaining it is a program that the Niagara County Sewer District is setting up, offering up to \$20,000 per year to each one of the six member towns to identify problem areas within their individual collection systems or for capital improvements to correct sources of excessive infiltration and inflow.

Upon a motion duly made by Councilman Bush, seconded by Councilman Ohol, it was resolved to approve the Niagara County Sewer District #1 Contract for Implementation of Infiltration and Inflow Procedures and authorize the Supervisor to sign said contract on behalf of the Town.

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

REZONING APPLICATIONS – Donald Walck, John Wasik, Joseph Ohol –North side of Lockport Road between Comstock Road to the west and Campbell Blvd. to the east

Supervisor Ellis stated that three (3) applications have been submitted to the Town for the rezoning of certain properties located on Lockport Rd. Supervisor Ellis introduced Andrew Reilly, Wendel Duchscherer Engineers, who presented information relative to the proposed rezoning.

Andrew Reilly indicated that companies such as Verizon, Yahoo, HSBC, etc., have been looking for locations to build data centers. The County wants to be able to provide “shovel ready” sites for potential developers and has procured a grant from National Grid to provide the money to help with such sites. Three sites have been chosen for this project and it is suggested that these properties be rezoned to Planned Development District, permitting the Town to create allowable uses for the property.

Mr. Reilly suggested that the Town entertain the rezoning and also designate the Town Board as Lead Agent under SEQR. The following resolution was presented for the Board’s consideration:

LEAD AGENCY RESOLUTION

WHEREAS, the Town of Cambria has received a Rezoning application from Mr. Walck, Mr. Wasik and Mr. Ohol, and

WHEREAS, the application is for the rezoning of approximately 168 acres of land, representing parts of six parcels along the north side of Lockport Road, between Comstock Road and Campbell Blvd, from B-2 and A-R to P-D, and

WHEREAS, it is the intent of the Mr. Walck, Mr. Wasik and Mr. Ohol, in association with Niagara County, to create a ‘High Technology Manufacturing Site’ developed under the Build Now-NY initiative (Shovel Ready Program), and

WHEREAS, the rezoning application appears to be in conformance with the Comprehensive Plan, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Cambria Town Board would like to designate themselves as Lead Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Cambria Town Board requests SEQR Lead Agency designation for the project, with the intent to require a GEIS, and authorizes the Town Clerk to perform the appropriate Lead Agency mailings, and

BE IT FURTHER RESOLVED, that the rezoning application and subsequent DGEIS be referred to the Planning Board for their review, comment and recommendation.

Upon a motion duly made by Councilman Bush, seconded by Councilman Blackman, it was resolved to approve the Lead Agency Resolution as read by the Town Clerk.

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

PROCUREMENT POLICY

Supervisor Ellis indicated that a change has to be made to bring the Town’s current procurement policy into conformance with New York State guidelines. The following changes to the Town’s procurement policy was presented for Board approval:

GUIDELINE 2. All purchases of (a) supplies of equipment which will exceed **\$20,000.00** in the fiscal year or (b) public works contracts over \$35,000.00 shall be formally bid pursuant to GML, Section 103.

GUIDELINE 3.

A. All estimated purchases of:

1. Less than **\$20,000.00** but greater than \$5,000.00 requires a written request for a proposal (hereinafter known as RFP) and written quotes from three (3) vendors. The Purchaser will present the quotations and a recommended course of action to the Town Board for its decision. **A copy of the written RFP and the three (3) written quotes shall be filed in the non-bid procurement file.**

B. All estimated public works contracts of:

1. Less than \$35,000.00 but greater than \$10,000.00 requires a written RFP and written proposal from three (3) contractors. The Purchaser will present the quotations and a recommended

course of action to the Town Board for its decision. A copy of the written RFP and the three (3) written proposals shall be filed in the non-bid procurement file.

Upon a motion duly made by Councilman Bush, seconded by Councilman Roberts, it was resolved to approve the amendments to the Town of Cambria Procurement Policy dated March 10, 2011.

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

ADDITIONAL MATTERS:

WILSON-CAMBRIA LANDFILL

Supervisor Ellis indicated he has a draft of a proposed letter addressed to NYSDEC from the engineering firm representing the Town of Wilson and the Town of Cambria on the continuing costs for remediation work involved with the closing of the Wilson-Cambria Landfill. The letter requests some relief in some of the closure remediation requirements, including monitoring the wells, as there has not been any activity in several of these wells for a few years now. This will result in a financial savings over time.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to approve the proposed letter to the NYS Department of Environmental Conservation regarding the continuing remediation efforts at the Wilson-Cambria Landfill.

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

VOLUNTEER FIREMEN PHYSICALS

Supervisor Ellis indicated that the Cambria Volunteer Fire Company is requesting that the physicals performed on their firemen be compliant with NFPA guidelines, which are more comprehensive and more expensive than the current physicals offered through WNY Occupational medicine. The Town Board has discussed the matter and it has been suggested that the Town offer the more comprehensive physical (NFPA guidelines) for new interior firefighters only and continue with the standard physical offered for interior firefighters for their annual renewal physical. The medical doctor at WNY Occupational medicine has indicated he is confident in his assessment in qualifying an interior firefighter under the current program. He also indicated that Pekin Fire Company has no problem with the current program.

Roger Schreder, Cambria Fire Company Fire Chief, stated that he felt the Fire Company's request to have all physicals, including the annual physical be in accordance with NFPA guidelines was a proactive approach and money well spent. Joshua Austin, EMS Captain, stated that the volunteer members are required to have the same training as paid firemen.

Mark Printup, Cambria Fire Company President, indicated that when the contract was negotiated, this issue was discussed and the Town Board was aware that Cambria was receiving NFPA physicals.

Following a brief discussion on the matter, Councilman Blackman noted that the cost for the NFPA physicals are more than double what is currently being offered. He suggested there should be some personal responsibility on the part of the firefighters for their own more comprehensive routine annual physical.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved that the Town of Cambria authorize the physicals meeting the NFPA standards for new members and physicals meeting OSHA standards every year thereafter, as recommended in the letter submitted by Occupational Medicine.

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

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Bush and seconded by Councilman Ohol. Time: 9:10 pm.

Respectfully submitted,

Lou Ann Murawski
Town Clerk

