

TOWN OF CAMBRIA TOWN BOARD

March 14, 2013

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 14th day of March 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
10 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 Ohol and seconded by Councilman Roberts, it was resolved to approve the Minutes of February 14, 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	3-4	\$	2,833.34
Capital Project - Town Park	Claims	1-2	\$	19,771.00
Drainage	Claims	3	\$	308.15
General Fund	Claims	89-128	\$	31,965.25
Highway Fund	Claims	36-51	\$	29,772.22
Refuse	Claim	2	\$	32,404.84
Sewer Operating Fund	Claims	14-16	\$	269,523.79
Trust Agency Fund	Claims	13-14	\$	10,587.43
Water Operating Fund	Claims	41-52	\$	4,347.91

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to approve the abstract of audited vouchers and to also include approval for Final Change Order #2, to contract with Apollo Dismantling Service, a net decrease of \$1,200, which amount is reflected in their final payment submitted as Claim #5, Capital Projects-AFB Remediation.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

LOCAL LAW NO. 1, 2013 – A LOCAL LAW REGULATING SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF CAMBRIA

Supervisor Ellis indicated the Board is unable to take action on the local law as they are still awaiting approval from the Niagara County Planning Board.

ASSET MANAGEMENT PROPOSAL

Randy Roeseler, Wendel Engineers, presented a brief summary of the Asset Management Proposal, explaining how the assessment would benefit the Town by mapping out each water and sewer line which would assist the Town Board in determining repairs and/or future projects. The plan would give the Town Board a glimpse of risk and identify areas that won't be at risk, offering guidance and tools as to what to expect in the future and thresholds at budget time.

As a matter of background, Supervisor Ellis stated the Town has a sewer system that includes 6 ½ miles of sewer lines and 81 miles of water lines. The approximate value of the water/sewer systems is \$3.18

million. The Town has a significant investment in this infrastructure and what the Board is considering is a professional analysis of the systems to determine their current condition and what to expect in the future.

A brief discussion followed.

Councilman Roberts asked if there would be an annual hosting fee by Wendel or annual assessment update costs. He also questioned whether or not the town employees would have access to the software and what would happen to the software if Wendel were no longer associated with the Town of Cambria.

Mr. Roeseler indicated there is currently a hosting fee and this proposal would not increase that fee. The annual assessment cost would have to be determined each year based on the updates; however, there is no way of knowing if any assessment fees would apply. It would have to be evaluated on an annual basis. Supervisor Ellis indicated that any additional fees would be discussed following the completion of Phase I. Mr. Roeseler indicated there would be access to employees as far as keeping the data updated. He stated that the information would belong to the Town and the information would still be utilized, even if another engineering firm were contracted with the Town.

Councilman Roberts also commented that, based on his review of the proposal, if the Board chooses to implement Phase I, he feels it would be necessary to continue with Phase II, as well. Supervisor Ellis indicated that Phase I, at a cost of \$15,000 is less than ½ of 1% of the value of our infrastructure. If Phase I and Phase II were implemented at \$30,000, the amount is approximately 9/10 of a percent of the total value of our infrastructure, which he feels is a fair return of our investment. Councilman Ohol commented that Phase II calls for a 5-10-20 year, as well as longer- term financial impact of the total project.

Councilman Foe stated he understands the need for the project; however, was uncomfortable with the deliverables on Phase I and the pricing.

Upon a motion duly made by Councilman Ohol and seconded by Supervisor Ellis, it was resolved to approve the Asset Management Proposal-Phase I, submitted by Wendel Engineers, in the amount of \$15,000.

Ayes: Ellis, Ohol

Noes: Blackman, Foe, Roberts -Motion Defeated-

CROWN CASTLE LEASE AGREEMENT

Supervisor Ellis indicated he and the Mr. Roberson have a meeting scheduled for the following morning, Friday, March 15, 2013.

WATER/SEWER DEPARTMENT BUILDING BIDS

Bids were opened on March 11th with four bids received for the Water/Sewer Storage Building. The low bid was received from Fingerlakes Construction Co., Inc. in the amount of \$91,570 with a deduction of \$4,000 for a 4" reinforced concrete floor vs. a 6" reinforced concrete floor.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to accept the low bid for the construction of Water/Sewer Storage Building from Fingerlakes Construction Co., Inc., 5773 East Main Road, Batavia, NY 14020, in the amount of \$91,570 with the deduction of \$4,000 with a 4" reinforced concrete floor for the total bid price of \$87,570

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

TRACTOR WITH MOWING IMPLEMENTS LEASE BID PROPOSAL

Jon MacSwan, Highway Superintendent, indicated to the Town Board that he is in the process of updating mowing equipment and he would like authorization to go to bid for a three-year lease on a new tractor/mower with implements and a trade-in.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize the Highway Superintendent to advertise for bidding of a tractor with mowing implements which will include a three-year lease with buy-out option and trade in. Bid opening to be on April 1, 2013, at 10:00 a.m.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

Councilman Ohol requested information on the tractor that is being traded.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Letter from Cambria Volunteer Fire Company indicating two members should be removed from the active firefighters and moved to the social membership. William Schreder effective date May

2012 and Kevin Schreder effective date February 2013. The same letter indicated status change for two deceased members: Charles Brandt-June 2012 and Donald Lane-October 2012.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to remove the following members of the Cambria Volunteer Fire Company from active to social membership: William Schreder effective date May 2012 and Kevin Schreder effective date February 2013.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

- Building Inspector Report, February 2013 – Total Receipts: \$715.00; Total Valuation of Construction: \$101,000.00
- Town Clerk Monthly Report, February 2013 – Total Receipts: \$39,208.80
- Letter from Justice Amel Jowdy requesting permission to attend the NYS Magistrates' Association annual meeting in Lake Placid, September 7-11, 2013, at which time he will be installed as President of the Association. He is also advising the Board that the court has received a grant from NYS Justice Court Association Program in the amount of \$2,500, to be used by the court for computer software.

Upon a motion duly made by Councilman Blackman and seconded by Councilman Roberts, it was resolved to recognize and congratulate Amel S. Jowdy on his upcoming honor of being installed as President of the NYS Magistrates' Association.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- There is still a fairly good supply of salt, and all the equipment is in good shape.

TOWN POLICY AND PROCEDURES REVIEW COMMITTEE

Councilman Foe thanked the Town Clerk and her deputies for compiling an all-inclusive document that combines five years worth of Zoning Board variance requests. The committee had a two-hour meeting, reviewing and refining various definitions and changes relating to accessory buildings and setbacks. They will continue their review of the Zoning Ordinance so that it better fits the needs of our residents.

Councilman Ohol commented that there was a change in the federal law regarding co-locaters. It was indicated that the matter is being reviewed by Attorney Billingsley.

ATTORNEY REPORTS

Attorney Roberson indicated there is a BAN (Town Park) scheduled to close on Monday, March 18, 2013, and the bid came in at 1.15%.

CONCERNS OF CITIZENS

Supervisor Ellis welcomed five students from Starpoint High School who were in attendance to fulfill a requirement for government class.

Kristin Labowsky, 3148 Saunders Settlement Road, Sanborn- Ms. Labowsky requested a copy of the new zoning regulations. Councilman Foe indicated the proposed changes are not yet in effect. The Zoning Ordinance is being reviewed by the Committee and is a "work in progress".

County Legislator, David Godfrey, reported as follows:

- **Narrow Broadband** for the County is moving along.
- **Rural Broadband** – Working with Orleans County on this initiative to have high speed internet in every home and business throughout the County.
- **Niagara Falls Air Base** – Attended a meeting in Washington and met with Congressman Higgins, Congressman Collins, and Senator Gillibrand. Following the meeting, an email was received from Senator Gillibrand's Military Staff Advisor indicating that the Niagara Falls Air Reserve Base C-140 simulator is safe and is back on the list for this coming year's budget.

SERVICE AWARD PROGRAM- 2012 CENSUS

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the 2012 Census for the Cambria and Pekin Volunteer Fire Companies. Cambria had 39

firemen qualify and Pekin had 18 firemen that qualify- making a total of 57 firemen who qualified for the Service Award Program.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

NY SAFE ACT RESOLUTION

RESOLUTION CALLING FOR REPEAL OF NYS SAFE ACT

WHEREAS, the New York State Legislature recently enacted and Governor Andrew M. Cuomo signed into law The New York Secure Ammunition and Firearms Enforcement Act of 2013 (NY SAFE ACT), and;

WHEREAS, the NYS SAFE Act was adopted after minimal public discussion and was available for review by the members of the New York State Legislature for only a few hours prior to its enactment; and

WHEREAS, said legislation infringes upon the constitutional rights of the citizens of the State of New York; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cambria does hereby support the Resolution adopted by the Niagara County Legislature calling upon Governor Cuomo, the New York State Assembly and the New York State Senate to immediately repeal the NY SAFE Act and to re-establish open dialogue with the public, inclusive of the representatives of the various groups cited in their resolution.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the Resolution Calling for Repeal of NYS SAFE Act.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Ohol. Time: 8:50 pm.

Respectfully submitted,

Lou Ann Murawski
Town Clerk