

TOWN OF CAMBRIA TOWN BOARD

May 9, 2013

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 9th day of May 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
Jamie Davidson, Wendel
Tom Reynolds, Wendel
10 interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT RELATING TO STORMWATER MANAGEMENT

The Clerk read the following Notice of Public Hearing:

PLEASE TAKE NOTICE THAT THE TOWN BOARD OF THE TOWN OF CAMBRIA, NIAGARA COUNTY, NEW YORK, WILL CONDUCT A PUBLIC HEARING AT THE TOWN HALL, 4160 UPPER MOUNTAIN ROAD, SANBORN, NEW YORK, 14132, ON THE 9TH DAY OF MAY 2013, AT 8:00 PM TO HEAR AND CONSIDER THE AMENDMENT OF THE TOWN OF CAMBRIA ORDINANCE FOR STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL BY AMENDING PARAGRAPHS 4.3 AND 4.4 BY STRIKING THEREFROM THE WORDS, "MS4 R1 DISTRICT" AND INSERTING THE WORDS, "THE TOWN OF CAMBRIA".

A COPY OF THE PROPOSED AMENDMENT IS ON FILE IN THE OFFICE OF THE TOWN CLERK AT THE ABOVE ADDRESS WHERE THE SAME MAY BE EXAMINED BY INTERESTED PERSONS DURING REGULAR BUSINESS HOURS. ALL INTERESTED PARTIES WILL BE HEARD.

BY ORDER OF THE TOWN BOARD TOWN OF CAMBRIA

Supervisor Ellis opened the public hearing and explained that the southwest corner of the Town affected by New York State regulations in the development of a Stormwater Management Plan was referred to as "MS4". Approximately a year and a half ago, NYSDEC set forth new regulations that would force the Town to expand the area to apply to the entire Town. The proposed amendment to the Zoning Ordinance reflects the change in wording from "MS4" to "Town of Cambria".

There was no one present desiring to be heard. The public hearing was closed.

PUBLIC INFORMATIONAL MEETING – MS4 DRAFT ANNUAL REPORT/STORMWATER MANAGEMENT PLAN

Jaime Davidson, Wendel, gave a brief presentation with regard to the Stormwater Management Program, indicating this is the 10th year of the program. The draft annual report, covering the period ending March 9, 2013, addresses six factors affecting stormwater management: public education and outreach, public participation and involvement; illicit detection/discharge; construction control measures; post-construction control measures and stormwater pollution prevention "good housekeeping". The report is available for review on the Town of Cambria website.

Supervisor Ellis stated that, as part of organizing a training program, there will be upcoming workshops which will be attended by the Highway Superintendent and the Building Inspector.

As there were no questions or comments from the public, Supervisor Ellis closed the informational meeting and called the regular 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 April 11, 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	Claim 5	\$28,950.00
Cemetery Fund	Claims 1 ó 2	\$ 1,511.00
Drainage Fund	Claims 5 ó 7	\$ 2,104.25
General Fund	Claims 171 ó 213	\$26,665.32
Highway Fund	Claims 72 ó 83	\$20,557.97
Recreation Fund	Claims 8 ó 9	\$ 2,965.13
Refuse Fund	Claim 4	\$32,404.84
Sewer Operating Fund	Claims 20 ó 21	\$ 66.69
Trust Agency Fund	Claims 22 ó 24	\$10,785.43
Water Operating Fund	Claims 74 ó 95	\$18,694.20

Upon a motion duly made by Councilman Foe 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-

APPROVAL OF AMENDMENT TO ZONING ORDINANCE

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved that the Zoning Ordinance amendment be approved, Section 1129 Stormwater Management and Erosion and Sediment Control by amending paragraphs 4.3 and 4.4 by striking therefrom the words, “MS4 R1 District” and inserting the words, “The Town of Cambria”.

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

STORMWATER MANAGEMENT PLAN/MS4 DRAFT ANNUAL REPORT

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to approve the MS4 Draft Annual Stormwater Management Report for the period ending March 9, 2013.

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

CROWN CASTLE LEASE AGREEMENT/UNISON PROPOSAL

Attorney Roberson indicated the matter of the Crown Castle lease agreement was discussed at the Board’s work meeting. They are still negotiating the lease and he will continue to pursue the matter.

FORMER LOCKPORT AFS DEMOLITION/REMEDIATION

Randy Roeseler, Wendel, indicated they are ready to embark on the second phase of the project, which entails general site clean-up, the removal of abandoned power poles, concrete foundations, removal of contaminated soil and brush clean up. The plans, specifications and contract documents have been prepared. They are ready to advertise for bids, with the bid opening scheduled for May 30th at 11 am at the Town Hall.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize the Town Engineers to advertise for bids for the project in accordance with the prepared specifications. Bid opening to be held on May 30th at 11 am.

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

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Letter from Niagara County Health Department thanking the Town for the use of our facility for the free rabies clinic held on April 13th. There were 443 dogs, 177 cats and 2 ferrets vaccinated.
- Notice from American Legion Sanborn Post 969 indicating the Memorial Day Parade will start at 9:30 am on May 27th at the Pekin Cemetery.

- Notification from NYS Department of State that Local Law No. 1, 2013 was filed on April 18, 2013.
- Town Clerk Monthly Report ó April 2013 ó Total Receipts: \$80,105.39
- Building Inspector's Report ó April 2013 ó Total Receipts: \$2,695.00; Total estimated value of construction: \$98,600.00

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- Cleared brush, broken windows/doors at the Housing Authority and hauled four loads to the County landfill
- The new pole building for the Water Department is progressing nicely and the floors are ready to be poured;
- He is checking prices for a tub grinder

Supervisor Ellis indicated that the Board is in receipt of a letter from the Treasurer of the Union Cemetery of Northeast Cambria (Budd Road Cemetery) requesting a contribution of \$1,000 toward the yearly maintenance of the cemetery or, if that is not possible, if the Town could mow/trim the cemetery once a month from May through October.

Supervisor Ellis stated he will schedule a meeting with representatives from the Cemetery prior to the Board's June meeting, at which time the request will be addressed.

TOWN POLICY AND PROCEDURES REVIEW COMMITTEE

Councilman Foe reported that the Committee met and has finalized changes to definitions to keep them in line with definitions outlined in New York State Codes. The Committee also discussed adding provisions to the ordinance which would allow small lot owners to have chickens. They are considering a provision in the ordinance similar to what was adopted by the City of Buffalo. The proposed changes will be submitted to the Zoning Board of Appeals for their review. Councilman Foe indicated the Committee is moving forward with their review of other local laws/ordinances.

ATTORNEY REPORTS

Attorney Roberson indicated he has received the documents for the leasing of the new Kubota tractor and they will be prepared for the Supervisor's signature.

RECREATION COMMITTEE

Councilman Roberts indicated he has checked with the Recreation Director and everything is in order for the summer Recreation Day Program. Also, baseball registrations are up, with about 200 registered this year. The increased revenue is due to our travel baseball teams.

With regard to the request from NCCC for the rental of our diamonds, Rodney Hogg indicated he is still working with them. The Town would be responsible for getting the diamonds ready in the morning and for picking up the garbage. He is waiting for NCCC to complete their registration.

Supervisor Ellis indicated that arrangements have been made to have the groundskeeping and nature trail maintained at the Town Park. The Board has discussed the matter and has determined that due to the increased responsibility, the pay rate for the Laborer for the Town Park should be increased from \$7.69/hr. to \$9.00/hr.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Blackman, it was resolved to increase the pay rate from \$7.69/hr. to \$9.00/hr. for the Laborer position at the Town Park.

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

CONCERNS OF CITIZENS

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

NYS EMPLOYEES' RETIREMENT SYSTEM STANDARD WORK DAY REPORTING RESOLUTION

The following Resolution was presented for the Board's consideration:

BE IT RESOLVED, that the Town of Cambria/Location Code 30236 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Elected Officials	Standard Work Day	Term	Participates in Employer's Time
		Begins/Ends	Keeping System
Councilman Blackman, Robert E.	6	1/1/10-12/31/13	Y
Councilman Foe, Matthew P.	6	1/1/12-12/31/13	Y
Councilman Ohol, Joseph	6	1/1/12-12/31/15	Y
Councilman Roberts, Randy M	6	1/1/10=12/31/13	Y
Appointed Officials			
Assessor Kroening, Janelle L.	6	2/1/08-9/30/13	Y
Deputy Town Clerk I Cooper, Tamara	8	1/1/13-12/31/13	Y
Deputy Town Clerk II Jones, Paula N	6	1/1/13-12/31/13	Y

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to approve the NYS Employees' Retirement System Standard Work Day Reporting Resolution, directing the Town Clerk to certify in its entirety the Standard Work Day and Reporting Resolution (RS 2417-A) and to file same with the State Comptroller's Office and further directing that those portions of the Resolution indicating the NYS Retirement System registration number and last four digits of employees' social security number be excluded from the Minutes and any public postings.

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

COMPREHENSIVE PLAN UPDATE

Supervisor Ellis indicated that Wendel has submitted a proposal to update our Comprehensive Plan which will be addressed at the June meeting.

TOWN PARK PICNIC SHELTERS

Jon MacSwan, Highway Superintendent, indicated he has spoken with the Contractor who has agreed to hold the same price as last year. Councilman Foe stated he would prefer to have written estimates on the park shelter.

Following a brief discussion, the following resolution was proposed:

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize the Town Supervisor to accept such bid submitted for the construction of one picnic shelter provided that the level of bidding is within 5% of last year's pricing.

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

Town of Cambria Town Board
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CHIPS FUNDING

Supervisor Ellis indicated that CHIPS funding has increased by approximately \$13,000. He informed the Board that whenever the check is received, the Board will be required to adopt a resolution to amend the budget for the Highway Fund, increasing appropriations and authorizing expending of same.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Ohol. Time: 8:40 pm.

Respectfully submitted,

Lou Ann Murawski, Town Clerk