

TOWN OF CAMBRIA TOWN BOARD

OCTOBER 11, 2012

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY

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
Approximately 22 interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order. Board members took action upon the following matters:

PUBLIC HEARING – REMEDIATION/DEMOLITION PROJECT ON FORMER LOCKPORT AIR FORCE STATION OFF OLD SHAWNEE AND SAUNDERS SETTLEMENT ROADS

The following public hearing notice was read by the Clerk:

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria, Niagara County, New York, will meet at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, on the 11th day of October 2012 at 8:00 pm for the purpose of conducting a Public Hearing on a certain map and plan and estimate of cost relating to the Remediation and Demolition of all buildings on Tax Map Parcel No. 120.17-2-1.5 and Tax Map Parcel No. 120.17-2-1.3 except the building identified as the bomb shelter (shown on said map and plan prepared by Wendel-Duchscherer) in and for the Town of Cambria at an estimated maximum cost of \$400,000.00 and environmental consideration in connection therewith under SEQRA, at which time and place said Town Board will hear all persons interested in the subject matter thereof concerning the same. A copy of said map and plan and estimate of cost 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.

Supervisor Ellis indicated the purpose of the public hearing is to authorize a bond resolution which would allow borrowing up to \$400,0000 associated with the remediation and demolition project at the former Lockport Air Force Station. All costs will be covered under a series of grants that have been obtained for the projects. In the event there is a significant lag time between receipt of the grant funds and payment to the contractor, the bond resolution will be in place to allow borrowing money on a short term basis with payment to be made upon receipt of grant money.

Randy Roeseler, Wendel, presented an overview of the project.

As there was no one present desiring to be heard, Supervisor Ellis closed the public hearing.

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved that the Minutes of Town Board meetings held on September 13, 20 and October 5, 2012 be approved as presented.

Ayes: Blackman, Ellis, Foe, Ohol, Roberts

-Motion Carried-

Supervisor Ellis clarified that the Minutes of September 13th called for the public hearing on the 2013 Preliminary Budget. At that meeting, public hearings will also be held to hear and consider any objections to the assessment roll in any of the following districts: Cambria Drainage District, Cambria Refuse & Garbage District, Cambria Water District, Cambria Sewer District #1, Cambria Fire Protection District. Additionally, a public hearing will be held on the proposed Fire Protection contracts.

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment:

Capital Project Brownfield	Claims 4 – 5	\$166,799.08
Capital Project Town Park	Claims 46 – 52	15,344.29
Cemetery Fund	Claim 8	900.00
Drainage Fund	Claims 27 – 29	2,472.24
General Fund	Claims 384 – 422	36,195.78
Highway Fund	Claims 208 – 219	12,410.57
Recreation Fund	Claims 90 – 93	1,961.32

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Refuse Fund	Claim 11	32,404.84
Sewer Construction	Claim 5	2,617.50
Sewer Operating	Claims 58 – 64	765.18
Trust Agency Fund	Claims 42 – 49	13,195.53
Water Operating	Claims 177 – 191	78,143.07

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

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

A RESOLUTION DECLARING NEGATIVE ENVIRONMENTAL IMPACT AND RESOLUTION AUTHORIZING THE REMEDIATION/DEMOLITION OF ALL BUILDINGS ON TAX MAP PARCEL NO. 120.17-2-1.5 AND TAX MAP PARCEL NO. 120.17-2-1.3 EXCEPT THE BUILDING IDENTIFIED AS THE BOMB SHELTER ON THE FORMER LOCKPORT AIR FORCE STATION AT AN ESTIMATED MAXIMUM COST OF \$400,000.00.

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved that the following resolution be adopted:

WHEREAS, a public hearing was duly held October 11, 2012 by this Town Board at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, pursuant to Section 202-b of the Town Law to consider a certain map, plan, and estimate of cost relating to the remediation/demolition of all buildings on tax map parcel no. 120.17-2-1.5 and tax map parcel no. 120.17-2-1.3 except the bomb shelter (so-called) at a maximum estimated cost of \$400,000.00 for the Town of Cambria, and

WHEREAS, the said Town Board did duly consider the matter and hear all persons interested, and

WHEREAS, the Town Board has considered the effect of the action on the environment under SEQRA, and

WHEREAS, pursuant to proceedings hereto had and taken in accordance with the provisions of Section 202-b of the Town Law, the Town Board of the Town of Cambria, Niagara County, State of New York, has determined it to be in the public interest to undertake the Project in said Town, and

WHEREAS, it is now desired to authorize the remediation/demolition of all buildings on tax map parcel no. 120.17-2-1.5 and tax map parcel no. 120.17-2-1.3 except the building identified as the bomb shelter on the former Lockport Air Force Station at an estimated issuance \$400,000.00 serial bonds, and to provide for the financing thereof in accordance with the aforesaid order;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cambria, Niagara County, New York, as follows:

Section 1. That based upon a review of the Questionnaire and the other representations made by the Town Board in connection with the Improvement, (i) the Improvement will result in no major impacts and, therefore, is one which may not cause significant damages to the environment, (ii) the Action will not have a significant effect on the environment, as such quoted terms are defined in the SEQRA Act, and (iii) no environmental impact statement, as such quoted term is defined in the SEQRA Act, need be prepared for the Action.

Section 2. That a copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Town Clerk where the same shall be available for public inspection during business hours and copies of a negative declaration shall be filed in such offices, posted in such places and published in such newspapers as shall be necessary to conform with the requirements of the SEQRA Act.

Section 3. The remediation/demolition of all buildings on tax map parcel no. 120.17-2-1.5 and tax map parcel no. 120.17-2-1.3 except the building identified as the bomb shelter on the former Lockport Air Force Station at an estimated cost of \$400,000.00 serial bonds, in and for the Town of Cambria, Niagara County, New York as more fully described in the aforesaid proceedings, is hereby authorized.

Section 4. The maximum estimated cost of such specific object or purpose is \$400,000.00 and the plan for the financing thereof is \$400,000.00 by the issuance of the serial bonds of said Town hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Town Board.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 12-a of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such

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terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. The faith and credit of said Town of Cambria, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within said Town of Cambria which the Town shall determine and specify to be especially benefitted by the improvement, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suite or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are not authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in full in the Union Sun & Journal, the official newspaper, together with a notice of the Town Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

WRIGHT H. ELLIS voting AYE
ROBERT E. BLACKMAN voting AYE
JOSEPH OHOL voting AYE
RANDY ROBERTS voting AYE
MATTHEW P. FOE voting AYE

The Resolution was thereupon declared duly adopted.

CROWN CASTLE LEASE AGREEMENT

Attorney Roberson indicated he has had several conversations with the Corporation Counsel from the City of Lockport who indicated they have had a favorable experience with Unison in negotiating their lease agreement. He will review the original lease with Crown Castle.

FORMER LOCKPORT AFS REMEDIATION/DEMOLITION WORK

Randy Roeseler presented an update on the project indicating that when the former generator building was dismantled, there were remnants of petroleum residue from fuel tanks. They are requesting authorization to continue to pursue the extent of the petroleum contamination within the confines of the foundation of the former generator building. Their proposal dated October 11, 2012 was presented to the Board.

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to accept the proposal from Wendel dated October 11, 2012 for Soil Investigation and Remediation Plan for a lump sum of \$21,500 with the balance of work on time and expense basis. Total cost not to exceed \$34,900.00.

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

FORMER LOCKPORT AFS SANITARY SEWER WORK

Randy Roeseler indicated the bonds and insurance documents are on their way and, once reviewed, they can issue the Notice to Proceed.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- ◆ Building Inspector's Report – September 2012 – Total Receipts: \$1,417.00
Total estimated value of construction cost: \$711,600.00
- ◆ Town Clerk Report – September 2012 – Total Receipts: \$21,311.52
- ◆ Mount View Cemetery Report July – September 2012 – Total Receipts: \$3,400.00
- ◆ Letter of resignation submitted by Jay White as a member of the Recreation Committee effective 12/31/12

Upon a motion duly made by Councilman Roberts and seconded by Councilman Blackman, it was resolved to accept, with regret, the resignation of Jay White and to advertise for the position.

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

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- ◆ The waterline for the Town Park has been installed and has been approved by the Niagara County Health Department.

RECREATION COMMITTEE

Councilman Roberts indicated the Recreation Committee continues to move forward with the soccer program planned for the fall of 2013. He will provide updates as they are available.

Sally Marotta-Reed, Recreation Director, updated the Board as to her progress on the program.

TOWN POLICY AND PROCEDURES REVIEW COMMITTEE

Councilman Foe reported they are moving forward and are presently waiting for the Town Attorney to prepare a finalized draft of the proposed Solar Energy ordinance.

CONCERNS OF CITIZENS

- ◆ Richard Heffler, Raymond Road, indicated that approximately a week ago he stopped by the Town Hall at 3:25 pm and the doors were locked, although the hours are posted that the hours are from 8 am- 4:00 pm.

Supervisor Ellis acknowledged that his point is well taken and the situation has been corrected.

- ◆ Marlene Horvath, Cambria Housing Authority Chairman, questioned why the area was backfilled at the former Lockport AFS site where the former Generator Building was located if there were concerns about contamination.

Randy Roeseler, Wendel, responded to Mrs. Horvath's question explaining that the contamination was discovered at a depth of 6-12 feet. The plan would be to remove the fill the depth of 6-12 feet and put clean fill in. A brief discussion followed.

- ◆ David Godfrey, Niagara County Legislator, presented updates on the following:

-The Governor is in the process of evaluating which military bases will be closed. It is uncertain at this time as to the outcome. The County has prepared an impact study regarding the matter. Additionally, the County and NIMAC has submitted a grant to help save the base.

-There will be a meeting on the 29th with Senator Maziarz regarding the completion of the study to bring high speed broadband service to everyone in Niagara and Orleans Counties.

-With regard to Lake Ontario, the County has adopted a resolution suggesting that the Federal government free up \$6.2 billion for the maintenance of Wilson Harbor and Olcott Harbor. He stated the fishing industry in Niagara County is a \$30 million dollar industry. It has been 15 years since Wilson Harbor has been dredged.

-The sale of the Mount View facility is moving along.

WATER DEPARTMENT – AMR INSTALLATIONS

Supervisor Ellis indicated that since the AMR replacement program started in 2007, all but 155 homes have been changed out. He is suggesting that a non-refundable \$35.00 administration billing fee be included on those bills of customers who have not had their meter changed over. This billing would be effective beginning in January 2013. The first \$50 in fees would be applied to the meter charge, the balance would not be refunded.

Upon a motion duly made Councilman Blackman and seconded by Councilman Foe, it was resolved to authorize the charge of a non-refundable administration fee of \$35.00 on each water bill beginning January 2013 to any property owner who has not had their meter changed over to the AMR. The first \$50.00 in fees to be applied to the meter charge with the balance not being refundable.

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

CAMBRIA HOUSING AUTHORITY VACANCY

Supervisor Ellis indicated he has one letter of interest for the Cambria Housing Authority position. The Board will advertise for the position.

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TOWN ASSESSOR – ATTENDANCE AT SEMINAR

A request was received from the Town Assessor to attend a seminar on Cell Towers to be held in Auburn, New York on November 9, 2012.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to authorize the Assessor to attend the seminar on Cell Towers to be held in Auburn, NY on November 9, 2012.

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

UNPAID WATER/SEWER ACCOUNTS

The Board was provided a listing of the unpaid water/sewer accounts to be placed as a lien upon the real property for which services were provided. A copy of the listing is on file in the office of the Town Clerk.

Upon a motion duly made by Councilman Foe and seconded by Councilman Blackman, it was resolved to place a lien on the Real Property for which services were provided in the amounts of: Unpaid Water: \$21,308.51; Unpaid Sewer: \$8,088.72 for a grand total of \$29,397.23.

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

PROCUREMENT PURCHASES

Procurement Forms were submitted for the following:

- o Building Inspector Office Work Station – Quote from Office Furniture Center, Tonawanda, NY in the amount of \$3,065.68 (State Bid Price)
- o Spreader for Seed and Fertilizer – Three quotes were submitted. It is recommended that the low quote not be accepted as the equipment would have to be back ordered. It is recommended that the equipment be purchased from Niagara Implement at a cost of \$1,200.00.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved that procurement purchases be approved for the following: Building Inspector Office Work Station from Office Furniture Center, Tonawanda, NY in the amount of \$3,065.68 and the purchase of a Spreader for seed and fertilizer from Niagara Implement in the amount of \$1,200.00.

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

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts. Time: 8:50 pm.

Respectfully submitted,

Lou Ann Murawski
Town Clerk

