

TOWN OF CAMBRIA TOWN BOARD

October 9, 2014

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 9th day of October 2014 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
Matthew P. Foe, Councilman
Jeffrey Hurtgam, Councilman
Joseph Ohol, Councilman
Randy M. Roberts, Councilman

ALSO PRESENT:

Paula N. Jones, Deputy Town Clerk
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Gary Strenkowski, NIMAC
Randy Roeseler, Wendel
12 interested individuals

Following salute to the flag the regular meeting was called to order and the Board members took action upon the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Hurtgam, and seconded by Councilman Ohol, it was resolved to approve the work minutes and regular minutes of September 11, 2014.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

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

Capital Project AFB	Claim	2	\$ 16,000.00
Drainage	Claim	20-23	\$ 1,996.19
General Fund	Claim	391-438	\$ 47,493.53
Highway Fund	Claims	156-172	\$ 59,929.77
Recreation Fund	Claims	62 & 63	\$ 400.00
Refuse Fund	Claims	13	\$ 30,221.47
Sewer Construction	Claim	1	\$ 3,000.00
Sewer Operating Fund	Claims	33-35	\$ 64.45
Trust Agency Fund	Claims	36-45	\$ 11,691.53
Water Operating Fund	Claims	169-182	\$ 4,329.33

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved that the abstract of audited vouchers dated October 9, 2014, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

NIMAC PRESENTATION

Gary Strenkowski from Niagara Military Affairs Council provided a brief presentation to the Town Board about what this organization does for the Niagara Falls Air Force base, the support it provides to all of those employed by the air force base and expressed their appreciation for the Town's financial support.

SANITARY SEWER REHABILITATION

Randy Roeseler, Wendel presented the results from the bid opening; five companies submitted bids for this project. The estimate for this project was \$60,000.00; Wendel is recommending Insight Pipe Contracting for this project as they provided the lowest bid at \$42,440.00, pending supply of appropriate bonds and insurances. Insight Pipe Contracting performed work in the Town last year that was satisfactory.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to accept the bid from Insight Pipe Contracting, Harmony, PA in the amount of \$42,440.00 for the Sanitary Sewer Rehabilitation at the former Lockport Air Force Station.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

COMPREHENSIVE PLAN UPDATE ADVISORY COMMITTEE

Supervisor Ellis reported that the Comprehensive Plan Advisory Committee has been working on the update for the past year. A public information meeting will be held October 30, 2014, at 7 pm in the Community Room. Following the public information meeting the Town Board will take action and hold a public hearing, and possibly have it approved by the end of the calendar year.

ADDITIONAL SECURITY EQUIPMENT

Supervisor Ellis reported National Grid will provide their cost to bring the power over to the Town Park. No action will be taken tonight.

2015 BUDGET

Supervisor Ellis submitted the tentative budget to the Town Board and work meetings have been scheduled in October to address the tentative budget and prepare the budget for public hearing in November.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

Town Clerk Reports:

- Town Clerk Report September: Total Receipts: \$18,775.73
- Building Inspector Report September: Total fees collected: \$ 3,627.05
Total estimated value of construction: \$839,995.00

HIGHWAY / WATER SEWER REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Mixed salt today, 1,500 ton is ready to go
- Two trucks have plows on them and are ready
- Still working on roads and ditch jobs

TOWN POLICY/PROCEDURES REVIEW COMMITTEE

Councilman Foe reported the committee met this morning, and is waiting for the Comprehensive Plan to finalize some other items. Councilmen Foe and Roberts will be driving through the community to document the number of storage pods within the Town, and report back to the committee for recommendations.

ATTORNEY REPORTS

No reports presented.

CONCERNS OF CITIZENS

Mrs. Rae Ann Amacher, Raymond Road reported a three fire company fire drill took place at the Unicorn Apartments this afternoon. Cambria Fire Company, Sanborn Fire Company and Shawnee Fire Company participated in this successful drill. Mrs. Amacher also reported she has resigned her position as manager of Unicorn Apartments effective October 1, 2014, but is helping to transition the new manager and is still a member of the Cambria Housing Authority board.

Ed Gawel, Green Road, Beth Wasmund, Upper Mountain Road (Cambria Residents), Mrs. Kreppenick from Pendleton, Mrs. Reeb from Pendleton and Mr. Wozniak from Wheatfield expressed their concern over the spreading of Equate. Mr. Gawel asked the Town Board if they have researched it and are they aware of the dangers. Why is this allowed in our Town?

Supervisor Ellis responded the Town has been extensively researching this for the past 1 ½ years and will defer questions to the Town Attorney, Mr. Roberson.

Mr. Roberson, Town Attorney responded the Town has no authority over DEC, a state agency. The Town only has the authority the State Legislature gives them; Towns do not control State agencies.

Supervisor Ellis indicated close to a year ago last May or June, the issue of Quasar came up. The company wanted to put a storage lagoon in Cambria on Raymond Road and the Town fought it. The Town had control over it because it was a zoning issue. The Town has taken action where they are able to; the Town does not have control over the spreading of it.

Mr. Roberson strongly encouraged the concerned residents to talk to the State Representatives as they are the ones who can change the laws at the State level regarding this issue.

TOWN CLERK DEPUTY II APPOINTMENT

Appoint Karen J. Hodge of 3152 Andrews Road as Deputy Town Clerk II at an hourly wage of \$11.50.

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to appoint Karen J. Hodge of 3152 Andrews Road as Deputy Town Clerk II at an hourly wage of \$11.50.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts **-Motion Carried-**

EXPANSION OF FEDERAL CONTROL UNDER CLEAN WATER ACT

Supervisor Ellis reported this issue was brought to the Town's attention by Niagara County. Councilman Ohol explained this movement would prevent Towns from cleaning ditches, prohibit man made ponds, farm ditches. Niagara County took action on this matter in June and the Town of Cambria is joining.

TOWN OF CAMBRIA TOWN BOARD

OPPOSING EXPANSION OF FEDERAL CONTROL UNDER CLEAN WATER ACT

WHEREAS, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371-page draft regulation for Definition of Waters of the U.S. under the Clean Water Act, and

WHEREAS, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act, and

WHEREAS, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters-including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act, and

WHEREAS, the proposed rule change, if adopted, will cause significant harm to local farmers, stall the development of businesses, take control of land used for sustainable food production out of our local providers' hands and negatively impact Town-owned and maintained infrastructure such as roadside ditches and flood control channels, and

WHEREAS, the costs to our farms, municipalities and taxpayers will be enormous, and

WHEREAS, the New York Farm Bureau, the National Association of Counties (NACo), and the National Association of County Engineers (NACE) oppose the proposed rule change, and

WHEREAS, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection-miles away-to a body of water currently defined as "navigable", now, therefore, be it

RESOLVED, that the Town of Cambria hereby strongly opposes the EPA and Corps expansion of the Clean Water Act, as proposed, and be it further

RESOLVED, that the Town Clerk of the Town of Cambria is hereby directed to forward a certified copy of this Resolution to the Environmental Protection Agency, the Army Corps of Engineers, the President of the United States, Barack Obama, U.S. Senator Charles Schumer and Senator Kirsten Gillibrand, U.S. Congressman Chris Collins and Brian Higgins, NYS Governor Andrew Cuomo, NYS Senator George D. Maziarz, Member of the Assembly John D. Ceretto, the National Association of Counties, the National Association of County Engineers, the New York State Association of Counties, the New York Farm Bureau, the NYS County Highway Superintendents Association, the Association of Towns of the State of New York and the Western New York Inter-County Association.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to approve the resolution Opposing the Expansion of Federal Control Under Clean Water Act.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts **-Motion Carried-**

Mr. Roberson commented in 1947 the state legislature specifically authorized the Towns of Niagara County to engage in a town-wide ditching program because the winter run off flooding was so severe in Niagara County. What EPA proposes to do may very well destroy those town-wide ditching programs.

EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND

Supervisor Ellis explained the reserve fund was established in May by the Town Board. The purpose of this reserve fund is to accumulate monies to pay for an accrued benefit due to an employee upon the termination of the employee's services. The problem has to do with unfunded benefits such as vacation or personal time that has been banked, the Town allows their employees to bank up to 360 hours. Supervisor Ellis is requesting authorization to transfer \$5,000.00 from each fund: unassigned fund balance in the Highway fund, 2014 Highway budget and unassigned fund balance in the Water Operating fund for a total of \$15,000.00.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to authorize the Supervisor to transfer \$5,000.00 from the unassigned fund balance in the Highway fund, \$5,000.00 from the 2014 Highway budget and \$5,000.00 from unassigned fund balance in the Water Operating fund to the reserve for the employee accrued liability.

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

ELECTRONIC WASTE RECYCLING/DISPOSAL

Supervisor Ellis reported the Town has had a successful program in place for the last 15 months. The Town will now have to contribute to the cost of recycling electronics. Supervisor Ellis will look into other options and put together a proposal from Sunnking. The Town will continue to provide a collection site.

UNPAID WATER/SEWER/REFUSE CHARGES

The Town Board was provided a listing of the unpaid water/sewer/refuse 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 Roberts, it was resolved to place a lien on the Real Property for which services were provided in the amounts of: Unpaid Water: \$22,007.02; Unpaid Sewer: \$1,728.78 Unpaid Refuse: \$503.66 for a grand total of \$24,239.46.

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

Councilman Foe requested Supervisor Ellis to mention the recycling credit the Town received from Modern. Supervisor Ellis replied the Town changed their recycling with Modern this year and went to recycling carts. Once this change occurred Modern offered the Town \$5.00 per ton for recycling; a check was received in the amount of \$1,325.80 for the period January ó August 2014. Supervisor Ellis announced the tire collection will be held October 18th from 8am -12pm. The Town also offers recycle bins for agriculture plastics held in November.

Mr. Roberson, Town Attorney made a statement addressing the concerns of the citizens regarding the use of Equate. Mr. Roberson stated he does not want anyone to think the Board supports the use of Equate or sponsors the use of Equate or encourages the use of Equate. To produce Equate or use it is not our idea, it doesn't come from us, and we're not sponsoring it. The use of Equate as a fertilizer ultimately is a decision from the farmer who decides to use it on their land; we have nothing to do with that decision. We cannot tell the farmer what he can and cannot do, there is a state permit that addresses that question and it comes from DEC. If people have objections to that permit they should go to Albany and deal with it in a lawful way of bringing a law suit against DEC. We are not in a position of defending DEC or sponsoring Equate or anything of the kind.

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Roberts.
Time: 9:10 pm

Respectfully submitted,

Paula N Jones
Deputy Town Clerk