

TOWN OF CAMBRIA TOWN BOARD

SEPTEMBER 8, 2011

The regular meeting of the Town of Cambria Town Board was held on the 8th day of September 2011 at 8:00 p.m. at the Town of Cambria Town Hall, 4160 Upper Mountain Road, 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 T. MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Robert E. Roberson, Attorney
Randy Roeseler, Wendel
David E. Godfrey, Niagara County Legislator
7 interested individuals

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

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved that the Minutes of August 11, 2011 be approved as presented.

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:

Cemetery	Claims 11	\$ 53.88
General	Claims 414-455	\$63,456.09
Highway	Claims 195-211	\$75,754.41
Refuse	Claims 6	\$31,227.49
Trust Agency	Claims 38-40	\$8,746.53
Sewer Operating	Claims 51-55	\$6,635.15
Water Operating	Claims 131-143	\$16,272.53

Upon a motion duly made by Councilman Roberts seconded by Councilman Blackman, it was resolved to approve the abstract of audited vouchers of September 8, 2011, as presented.

Ayes: Blackman, Bush, Ellis, Ohol, Roberts

-Motion Carried-

SHOVEL READY PROJECT (FGEIS and REZONING PUBLIC HEARING)

Randy Roeseler, Wendel Engineers, spoke briefly regarding the Final Generic Impact Statement. It has been prepared and reviewed by the Planning Board. They have received some clarification requests with regard to definitions.

Supervisor Ellis indicated he has a letter from the Chairman of the Planning Board recommending that the Town Board accept the Final Generic Impact Statement, subject to addressing any final issues involving greenspace, agricultural buffer, development rights/conservation easements and possible refinement of the concept of manufactured food materials. Mr. Ellis explained that during the Town Board's work session some questions arose regarding definitions, which will be reviewed by the Attorney. It is anticipated that the action on acceptance of the final GEIS will be taken at the Board's upcoming meeting with the Fire Companies on September 15th.

Supervisor Ellis is in receipt of a recommendation from the Planning Board to grant the rezoning request subject to the Town Board addressing environmental impacts for any future uses in accordance with such Final Generic Environmental Impact Statement, as may be accepted by the Town Board. It was recommended that the public hearing on the rezoning be scheduled for October 13th at 8:00 pm.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to schedule a public hearing on rezoning approximately 152 acres on Lockport Rd. from B 2 and Agriculture Residential to Planned Development for October 13, 2011 at 8:00 p.m.

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

TIME WARNER FRANCHISE AGREEMENT

Attorney Roberson reported there was nothing new with regard to the Time Warner Franchise Agreement.

LOCKPORT / COMSTOCK ROADS WATERLINE EXTENSION

Randy Roeseler, Wendel, explained that the restoration work has been completed and a final walk through will take place within the next couple weeks. No request for payment has been made from the contractor for this month as their objective is to have everything closed out before making the request for final payment.

BROWNFIELDS GRANT

Randy Roeseler indicated that Wendel Engineers are continuing to look at the scope of the work to be certain it meets all the requirements of the grant, which will be confirmed with the County this month. Supervisor Ellis advised the Board that the Inter-Municipal Agreement has been signed, as well as the Grant Agreement between the Brownfields Commission and the Town of Cambria Housing Authority.

SANITARY SEWER EVALUATION-CAMBRIA FAIR VILLAGE

Randy Roeseler indicated that, at a previous meeting, it was reported that at least one section of the sewer line needed repair work. They would now like to look at the rest of the system to determine the status of the remaining sewer lines. Wendel is requesting authorization to prepare bid documents, advertise and receive bids for flushing and televising approximately 4200 feet of the sewers located at Cambria Fair Village, evaluate findings and prepare a recommended approach for repairs that will be performed. Supervisor Ellis indicated that these sewer lines are the oldest in the Town, going back to the mid-fifties. They have experienced problems in the past and, by completing the evaluation and repairs, any situations that are developing in that area should be impeded.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize Wendel Engineers to prepare bid documents, advertise and receive bids for flushing and televising, evaluate findings and prepare a recommended approach for repairs of approximately 4,200 LF of sanitary sewers in the Cambria Fair Village. Bid documents will be available September 19, 2011, and bid opening on October 4, 2011, at 10:00 a.m. in the Office of the Town Clerk at the Town Hall.

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

2012 BUDGET SCHEDULE

Supervisor Ellis informed those in attendance of a scheduled meeting with Cambria and Pekin Volunteer Fire Companies for Thursday, September 15, 2011, at 7 p.m. to discuss budgets.

The Tentative Budget will be presented to the Town Board on Wednesday, October 5, 2011 at 11:30 a.m.

Upon a motion duly made by Councilman Roberts seconded by Councilman Bush, it was resolved to schedule the Public Hearing on the 2012 Preliminary Budget and the Assessment Roll for the Special Districts on Thursday, November 10, 2011, at 8 p.m.

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

TOWN CLERK REPORTS

Lou Ann Murawski, Town Clerk, reported receipt of the following:

- Building Inspector's Report – August 2011
Total Receipts - \$2,127.50
Total estimated value of construction - \$297,003.00
- Town Clerk Report – August 2011
Total Receipts - \$49,543.02

- Letter from Cambria Volunteer Fire Co., requesting a change of status for Trevor Wendt, 3056 Moore Rd., Ransomville, NY 14131, from Junior Firefighter to Active Status.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to approve the request of Cambria Volunteer Fire Co., to change the status for Trevor Wendt, 3056 Moore Rd., Ransomville, NY 14131, from Junior Firefighter to active status, pending receipt of the required physical form.

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

HIGHWAY SUPERINTENDENT REPORTS

Jon MacSwan, Highway Superintendent, reported on the following:

- Announced that salt prices have dropped to the lowest they have been in six years.
- Chipping has resumed.
- They are waiting to micro-pave Raymond Rd. and finish sealing Plank Rd. When completed, fall striping will be done.
- Request for authorization to purchase a grappling hook for the mini-excavator (for use in the cemetery) in the amount of \$2,500 from Anderson Equipment and \$500 additional for installation.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to approve the purchase of a mini-excavator attachment grapple hook in the amount of \$2,500 plus an additional \$500 for installation, from Anderson Equipment Company at a total cost not to exceed \$3,000.

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

- Received three estimates for replacement windows for the Old Town Hall. He recommends accepting the low proposal submitted by G.D. Wendt, Builders.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to accept the proposal from G.D. Wendt, Builders, in the amount of \$6,976 for installation of four window units on the east side of the Old Town Hall.

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

ATTORNEY REPORTS – No reports

RECREATION MATTERS

Councilman Roberts – No reports

CONCERNS OF CITIZENS

Eric Thorne – 5055 Shawnee Road, Sanborn, NY 14132

Mr. Thorne voiced his concerns regarding the vineyard property next to his using an air cannon sound device as a bird deterrent. The “BOOM” noise it makes is very unnerving and is released at frequent intervals. He questioned the Noise Ordinance Control Law and whether it would have precedence over the Right To Farm Law adopted by the Town Board. Additional comments relating to the subject followed.

Supervisor Ellis explained that NYS Agriculture and Markets law gives the farmer the right to engage in sound agricultural practices. The Town of Cambria adopted a local law in 2006, declaring Cambria as a “Right to Farm” community. He indicated the Town Board may need to review the Noise Local Law which was adopted in 1980.

Supervisor Ellis also advised Mr. Thorne the Building Inspector/Code Enforcement Officer has spoken to the attorney for the Planning/Zoning Board and visited the vineyard on Lower Mt. Rd. to see if there is any way the owner could reduce the noise level. He is waiting for him to report back.

Supervisor Ellis acknowledged Boy Scout Logan Slother, who is working on his “Citizenship in the Community” badge.

David Godfrey, Niagara County Legislator, reported on the following matters:

- The County budget process is underway. The County Manager has directed the department heads to cut their budgets by 6%.
- They are still trying to keep the Somerset Plant going.
- Air Show – The Air Show will be held on September 10th and 11th and will feature the Thunderbirds. The 9-11 first responders will also be recognized and honored.
- Kidz ‘n’ Kites 2011 will be held Saturday, September 17th at the Town of Niagara Veterans Memorial Park-7000 Lockport Rd. Registration is 11:00 am, Fly time is from 12 p.m. – 2 p.m.

JUSTICE COURT GRANT APPLICATION

The Court is applying for a grant in the amount of \$2,395, which would cover the cost of adding the Parking Program to the existing courtroom program.

Upon a motion duly made by Councilman Blackman and seconded by Councilman Roberts, it was resolved to authorize the Justice Courts to apply for a New York State grant in the amount of \$2,395.00.

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

ASSESSOR TRAINING

Janelle Kroening, Assessor, requested authorization to attend the following continuing education courses:

Public Relations & Communication - August 26, 2011 -Cheektowaga, NY
Developing Cap Rates- October 14, 2011- Lockport, NY
Critiquing Appraisals- October 28, 2011 - Auburn, NY

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize the Assessor to attend continuing education courses on August 26, 2011 - Cheektowaga, NY; October 14, 2011- Lockport, NY; October 28, 2011 - Auburn, NY.

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

ADDITIONAL MATTERS

Supervisor Ellis requested authorization to apply to Niagara County Civil Service to establish a new billet for the Building Inspector. This will be a temporary training position with the current Building Inspector.

Upon a motion duly made by Councilman Bush and seconded by Councilman Roberts, it was resolved to authorize the Supervisor to apply to Niagara County Civil Service to create an additional Building Inspector temporary position to be used for training.

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

LINE ITEM TRANSFER: GENERAL FUND

Supervisor Ellis stated that Traffic Control and Garage Equipment budget line items are over expended and he is requesting authorization to make a transfer in the amount of \$1,618.89 from Garage Contractual to Traffic Control in the amount of \$948.90 and \$669.99 to Garage Equipment.

Upon a motion duly made by Councilman Blackman and seconded by Councilman Roberts, it was resolved to authorize the Supervisor to make a line item transfer from Garage Contractual in the amount of \$1,618.89, transferring \$948.90 to Traffic Control and \$669.99 to Garage Equipment.

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

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Bush and seconded by Councilman Roberts. Time: 8:55 pm

Respectfully submitted,

Lou Ann Murawski
Town Clerk

