

Town Board Meeting  
March 8, 2010

At the Regular Meeting of the Town Board of the Town of Cambridge, duly called and held the 8<sup>th</sup> day of March 2010, 7:30 PM at the Town Hall, the following were present:

Supervisor William Watkins  
Councilwoman Catherine Fedler  
Councilman Ted Berndt  
Councilman Alan Davis  
Councilman Frank Ziehm

Others present: Town Clerk Heather Greenawalt, Superintendent of Highway Eric Shaw, Margaret Shaw, Justice DeCarlo, David DeCarlo, Ashleigh Farrell, Dick Sutherland, Fran Moon, Nancy Maebus, Dieter Drake, Amy Drake, Terry Hamilton, Daton Standard, Jimmy Standard, Gerald Skiff, Dick Battistoni, Henry Peabody, Rani Bass, Astrid Davis, Donnie Herrington, Lillian Herrington, Danny Thomas, Bob Hamilton, Earl & Donna Horton, Jeff Delurey, Brian English

Supervisor Watkins called the meeting to order at 7:30 PM and immediately led in a moment of silent prayer in memory of Rodger Hurley the Granville Supervisor who passed away and then led in Pledge of Allegiance to the Flag.

Resolution #31

Councilman Davis motioned, Seconded by Councilwoman Fedler, to approve the minutes of the February 8<sup>th</sup> Regular Meeting, February 4<sup>th</sup> Town Board / Planning Board Meeting, and also the February 11<sup>th</sup> Special Meeting with the following amendments. With corrections to the February 8<sup>th</sup> meeting on page 7 Resolution #24 the vote should read Aye – 4 and Noes – 0 because Councilwoman abstained from the vote because it was regarding the Deputy to the Supervisors Salary. Also in the February 8<sup>th</sup> minutes under Communications on page 5 under #2 it should read \$759.43 for interest earned instead of the \$700.00 and \$859.43 to amount deposited in the general account instead of the \$800.00. On page 4 in the Highway Department Report the Salt per ton should read \$64.21 instead of the \$6421. The February 11<sup>th</sup> minutes there was one correction on the top of the first page where it reads the meeting was held on it should read 11<sup>th</sup> day instead of the 18<sup>th</sup> day.

Vote: Aye – 5                      Noes – 0

Supervisor Watkins updated everyone on the Brownell Road Property, nothing has happened yet, Councilman Berndt stated that he did speak to Mr. Douglas Rose on Monday, March 1<sup>st</sup> and there was no decision from the Judge at this point but it was possible that it could be thrown out.

Resolution #32

Councilman Berndt motioned, Seconded by Councilman Ziehm to accept the Supervisors reports for both January 2010 and February 2010.

Vote: Aye – 5                      Noes – 0

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Items to be Added

Under New Business Dog Leash law and Vacuum for the Town Hall will be added.

Supervisor Watkins made everyone aware that the State does have a leash law in place that a dog must be under the owners control at all times.

Town Board Report

Councilman Berndt commented on the latest update on the High Speed Internet and noted that he had spoke with Terry Dwyer from Verizon on February 2<sup>nd</sup>. Mr. Berndt has also spoken with Dr. Figlozzi concerning a novel idea if folks want High Speed Internet in rural area they may have to subsidize for the project that cost \$50,000. With approximately 150 households expressing interest approximately \$330.00 per household could come up with the \$50,000. Verizon however is hesitant to do something like this where individual homeowners can subsidize in rural area. The High Speed Internet Committee had come up with a half dozen things to increase awareness which were stated at the February 8<sup>th</sup> Town Board Meeting and can be found in the minutes from this meeting.

Councilman Ziehm made a comment in regards to the statement on the bottom of the March 8<sup>th</sup> agenda which was “Please note that from now on all of your meeting information and agenda minutes, etc., must be picked up at the Town Hall. Information will be available on the Wednesday prior to the meeting. Councilman Ziehm stated that he would rather see the minutes and the agendas mailed instead of picking them up at the Town Hall. Councilman Berndt stated that he would also rather have the minutes mailed. The postage was the issue it was decided that those that want the minutes mailed will let Town Clerk Heather Greenawalt know.

Councilman Berndt commented that several weeks ago he had contacted Frank and Nicole Klebieko the new owners of the hospital campus and put them in touch with some other local folks. They are already trying to work on a trail system or update the system around the facility and they are looking for a tenant to lease the skilled nursing.

Councilman Berndt had contacted them on behalf of the Warren – Washington County Industrial Agency to tell them about some of the programs that are available.

Councilman Berndt reminded everyone that the bike race is coming up in April and they are still looking for volunteers for the Tour of the Battenkill, and especially housing is needed, anyone that is interested there is a database off the website.

Councilwoman Fedler reported that she met with Highway Superintendent Eric Shaw on March 1<sup>st</sup> and checked out the equipment, looked over the truck, received a tour of the facility and got herself up to speed with the equipment. She also met with Justice Janet DeCarlo and State liaison for Town and Village Judges Kevin Riley he was here to discuss possible J-cap grants. The Town Hall will also be inspected by a Lieutenant Wayne Lucy, these gentlemen come through and inspect the Judges area and make sure it is a safe environment. Kevin Riley who has already looked over the facilities has made several recommendations about improvements that could be made at the Town Hall. These improvements would take place when the monies from the State Grant become available. Supervisor Watkins also talked to Mr. Riley about the High Speed Internet and he is going to contact the Public Service Commission.

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On the 10<sup>th</sup> of March Supervisor Watkins and Highway Superintendent Eric Shaw will be going to Albany for the Chips Program. However Supervisor Watkins is not going for Chips he is going to see some Assemblymen about the High Speed Internet situation in the Town of Cambridge.

#### Town Clerk Report

Town Clerk Heather Greenawalt reported that all the policies and procedures have been updated.

#### Resolution #33

Councilman Berndt motioned, Seconded by Councilman Ziehm, that Town Clerk Heather Greenawalt be given permission to attend the NYS Town Clerk's Annual Conference and to take the Notary Public Seminar and state exam, which will be an additional cost of \$50.00. The Conference will convene April 25<sup>th</sup> – 28<sup>th</sup> in Saratoga Springs.

Vote:                    Aye – 5                    Noes - 0

#### Planning Board Report

In the absence of Planning Board Clerk Sally Beelen Eddy, Town Clerk Heather Greenawalt read her report. The Planning Board met March 4<sup>th</sup> with full board present. Councilman Berndt was present along with 4 members of the public.

1. The Board re-approved a subdivision that was originally approved in March of 2009. The subdivider, Kimberly Davidson who lives on Conley Road, failed to meet the filing deadline with the County Clerk's Office.
2. The Board held an open and honest discussion about the future direction of the town. They did not always agree among themselves of how to accomplish it. Because of the conflicting statements from advisors at the February meeting, the Board is going to consult an attorney to find out what the Planning Board legally can and cannot do.
3. The Board has received copies of subdivision regulations, site plan review documents and comprehensive plan documents from neighboring towns. More will be coming. They expect to review them to see what has worked for other towns and get general ideas before drafting any documents for Cambridge.
4. They did reach a consensus to amend the subdivision regulations to address two items: 1) include a 50 ft. set back requirement from an existing building for the establishment of a boundary line; 2) allow for a boundary line adjustment between two property owners concerning matters of one acre or less.
5. On March 25<sup>th</sup>, the Board will be attending a training class at the Fort Edward Fire Dept. at the cost of \$10.00 per person. Six members plan to attend.

Some questions were addressed at the Town Board Meeting why the Planning Board was looking at Comprehensive Plans when the Town of Cambridge was not interested in a Plan. The townspeople made clear by the signed petition of 580 against a

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Comprehensive Plan. The Planning Board is only comparing what other towns have adopted in regards to set back provisions and site plan review. When the Planning Board decides what the best way to approach the site plan review, set back provisions is for the Town of Cambridge then they will bring this to the Town Board. Scott Kelher asked if the Town Board could pass a resolution that they would not accept a Comprehensive Plan. It was also asked if the Town of Cambridge could have a Referendum vote to see whether or not the people in the Town of Cambridge want a Comprehensive Plan. Supervisor Watkins is going to contact the Board of Elections to see if this is possible.

#### Resolution #34

Councilwoman Fedler motioned, Seconded by Supervisor Watkins to table this discussion for this month until Supervisor Watkins contacts the Board of Elections to see if a Referendum vote is possible.

Vote:                   Aye – 5                   Noes – 0

Councilman Ziehm stated that we have to give the Planning Board some time, a chance to look at neighboring towns and get together some ideas so that they can then bring this to the Town Board.

#### Superintendent of Highway Report

They dealt with a number of small storms as well as the big one that lasted days. Some dead trees were cut with some still remaining to be cut. The pickup had to have an alternator, battery, wiring harness, and new U joints in the left front axle. The plow pump was rebuilt and solenoids, plugs and wires also were replaced. Truck 4 had to have a main hydraulic hoses replaced. A new muffler was installed and the wires to the rear lights were replaced. The exhaust pipe on the 2003 Sterling had to be repaired. The wire harness on the rear of the truck was replaced and the rail inside the sander was repaired. One man and the loader were sent to help pick snow in the Village. They are in the process of getting the equipment ready for spring cleanup and grading. One man was randomly selected for drug testing. The Town of White Creek and the Town of Cambridge are in the process of trying to find the best solution for replacing the bridge on South Union Street. Army Core Engineers and DEC have been notified.

#### Purchase of Plow Truck

March 2<sup>nd</sup> at 2:00 PM at the Town Hall the bids were opened for the Tandem Axle Cab & Chassis and the Heavy Duty Multi-purpose Dump Body Sander/Spreader & Plow Equipment. The lowest bids were the Maudlin International Truck for \$91,000 and the Sander and Plow Equipment was Henderson for \$59,575 which is a total of \$150,575. Opinions were voiced by the public how you could go out for bid and not follow the specifications that were required. Jeff Delurey from Delurey Sales Service of North Hoosick attended the Board meeting he voiced his concerns of why the Town of Cambridge was choosing a truck that did not meet specifications? He also stated that his truck did meet the specifications by 100% however was over \$1,785 more than the International truck. This truck with the lowest bid however it did not meet specs Mr. Delurey had 12 specifications that were not met. These specifications that were not met

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were as follows: no dash mounted PTO control, no lettering on the truck (minor), no automatic slack adjusters front rear, no horizontal muffler vertical tail pipe, fuel tank was asked for on the right side because left side is where wing is and difficult to fuel the Maudlin truck is on the right side, asked for the front rear to have cross locks and it doesn't, inadequate wheel base, lack of rear flack adjusters, no front mounted power take off (front mount hydraulics), no front shocks, no right front helper spring for wing support, no trailer connections asked for pintle hook, no forward rear axle drive control zip lock. Another concern is that in order for this truck to be considered the low bid the body will have to be taken off and sold because Mr. Delurey states that if he did not have to meet all the specs than his truck could be the lowest bid. The other truck should have to conform to the specifications also he states this is not fair to the other bidders, if the town is going to request specifications they should have to be met. Jeff Delurey states that he has been doing business with the Town of Cambridge for many years and they are going to buy a truck from Florida. Councilman Davis asked Mr. Delurey if he could buy a truck and save \$10,000 you would do it wouldn't you? He states but you have to take the body off and the truck is not going to be right the wheel base is going to be off. Councilman Davis states that the vendor for the Sander said that this is not an issue. Mr. Delurey says that it could work you won't know until you try. Someone attended the meeting from T & T he was the second lowest bid on the Sander and Plow Equipment. T & T states that even though he is the second lowest bidder he does have some advantages over Henderson that is the lowest bidder. T & T states that Henderson only has a guarantee on their equipment for one year and in this time they will come to the garage and fix it. When that time is up T & T states that Henderson's repair facility is in Watertown, so the truck will have to be driven there and back to Cambridge. The difference in the cost of the two travel expenses are \$1150 for Henderson and \$105 for T & T because T & T is in Latham. Arrowhead is the third lowest bidder and this is a local company. The public voiced their opinion that the Town should stay local because in the past they have been taken care of. Nancy Maebus questioned Councilman Davis that she had spoken to him prior to the meeting and there was enough money in the budget, correct. Councilman Davis stated yes that the money is in the Equipment Reserve Fund which has \$185,000 that is set aside specifically for equipment only nothing else. This was challenged by Rani Bass according to the Supervisor's monthly report that all of that money is not in the Reserve Fund only \$135,107.04 is shown on the report. Margaret Shaw Clerk to the Supervisor commented and said that the money is all there however the account can not be opened until it matures so the \$50,000 from the budget is in the savings and when it matures the \$50,000 will be put with the money in the reserve to equal the \$185,000 needed to pay for the truck.

Supervisor Watkins motioned, seconded by Councilman Berndt for discussion to purchase the 2007 truck from Delurey's for \$92,785 and the Sander and Plow Equipment from Henderson for \$59,575.

Public asked why would go with Delurey which was not the lowest bidder and than go with Henderson on the equipment. The answer was that Delurey meets the specs and Henderson was the lowest bidder. Questions were asked what the truck was that was bought 3 years ago. This was the Delurey Truck with the Arrowhead equipment. The

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discussion was taken further if the Town is happy with this Delurey and Arrowhead setup from 2007 truck than why not go with the same. T & T questioned this, Because they where the second lowest bidder, it was made clear that at the opening of the bids T & T only submitted one paper with a paragraph saying that they met specs, not complete specifications. Eric Shaw Highway Superintendent stated that with their specs he did not have a paper to go on to compare and say that they met specs. Supervisor Watkins states that if the lowest bidder meets the specs such as in the situation of the equipment than they should be awarded the bid. Eric Shaw states that also specs for the dump body sander/spreader & plow equipment he took into consideration for side dump or tub body is because a tub body has a lot less moving parts and a lot less can go wrong with it. This is why he made it out the way he did to see what dump bodies come in price wise, and Henderson's would be the low bid with the tub body. The problem with the side dump is the gears eventually wear out, but if they are greased continuously than they will last forever. The question still came to the floor that the lowest bidder should be awarded the bid. It was brought to the attention of everyone that on the last page of the specs at the bottom it states that "The Town of Cambridge reserves the right to reject any or all bids as so deemed in the best interest of the town. Parts and service availability may be a factor in awarding the bid. The public said that this is something that should be taken into consideration, everyone turned to Eric Shaw the Highway Superintendent to which body he would prefer. He stated that he would like the Arrowhead Body with the side dump.

Motion was withdrawn from earlier and new motion was made. However, before this happened Danny Thomas asked if it could be added to the minutes that if this truck is purchased, the next time a truck comes due to be purchased in 2014 that the Town Board considers not purchasing a truck. Because these trucks now are bigger and better horsepower has increased dramatically since they used the 180 hp trucks and now we should be able to get by and save the next time around. It was even mentioned to cut back to 4 drivers and no part time man. Eric Shaw Highway Superintendent disagreed because the town will be paying less by having the part time person than paying full time people overtime. Councilwoman Fedler states that we can look at saving money, but she is not sure it should be put in the budget for solid because we don't know whether we are taking over county roads, we can put this in minutes and say that it will be looked at down the road. The Town of Cambridge has some of the best maintained roads in the area as far a Councilwoman Fedler is concerned. Councilman Berndt stated as far as from an EMS standpoint in Emergency situation these roads have to be cleared. One less truck this could jeopardize the quality of roads for travel. If the Town of Cambridge will be taking over approximately 20 miles of county roads, this fifth truck will be needed. The Town of Cambridge will actually be saving approximately \$5,000 a season from maintaining the county roads. There are many Pros and Cons depending on whether county roads are taken over or not, this situation will have to be addressed when the time approaches.

Resolution #35

Councilman Ziehm motioned, seconded by Councilwoman Fedler, to purchase the 2007 truck from Delurey's for \$92,785 and the Sander and Plow Equipment from Arrowhead with the Side Dump for \$61,483.

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Vote:           Aye – 5                   Noes – 0

Code Enforcement

No Report

Assessor Report

The Town of Cambridge has 3 applications for the position of the assessor and the deadline for those applications was March 9, 2010 as published in the Eagle. Supervisor Watkins stated that we have not yet heard anything on the pending waiver with the New York State Civil Service. Supervisor Watkins has been emailing Civil Service and he has documentation of this and he has been keeping Jeffry Jackson updated through email also about the pending waiver.

Resolution #36

Councilman Ziehm motioned, seconded by Councilman Davis to table the discussion on the applications for the assessor's position till next session and also pending the Civil Service Waiver approval for Jeffry Jackson the current Assessor of the Town of Cambridge.

Vote:           Aye – 5                   Noes – 0

Communications

Councilwoman Fedler read a letter from Lonn Berney a retired lawyer who gave information pro bono to the Cambridge Town Board on February 10, 2010 at 11:30 at Mr. Berney's house. This meeting was in regards to the pending litigations against the town in reference to the Brownell Rd property. This was an informative meeting about what to expect in regards to the litigation. Rani Bass asked if any notice of this meeting was given, and if not would it be a violation of the open meeting law. Councilwoman Fedler was made aware of this meeting by Councilman Berndt and this meeting was with legal counsel so it was considered legal. Because Mr. Berney was retired the public is considering this to be an illegal meeting. Councilwoman Fedler made everyone aware that she also had concerns and that she trusted her fellow councilman that this meeting was legal. However because she had questioned the actual legality of the meeting she requested Mr. Berney write this letter because she did not want it to be said that they had a secret meeting. Councilwoman Fedler deferred the questions from the public to Councilman Berndt because he set the meeting up. Councilman Berndt said if anyone had questions he would refer them to the committee on open meetings. Rani Bass stated that she contacted the Association of Towns and this is considered an illegal meeting. Members of the public asked what the consequences were for the violation of the Open Meetings Law by the Town Board. Councilman Berndt was also asked by the public if he would have done something different if he realized that this was going to be illegal meeting. Mr. Berndt stated that he would have contacted the Association of Towns to inquire about the meeting, however it was understood that if the Town Board was meeting with legal counsel it was fine.

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Peggy Hopkins wrote a Thank You Note to the Town of Cambridge in regards to the \$150 donation to the Senior Citizens in Cambridge.

The Phoenix Environmental Laboratories, Inc. sent a copy of the water report for the Cambridge Landfill which is on file in the Town Clerk's office for viewing, it states that there are no containments or pollutants; this is a quality water test for the wells in the location around the Cambridge Landfill.

Information was received by the Supervisor in regards to the Clean Sweep Program from New York State Department of Environmental Conservation; this program is open to Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington Counties. This is a program where during the week of May 3<sup>rd</sup> 2010 professional/commercial applicators, local municipalities, schools, golf courses, cemeteries, marinas, and retail/distributions establishments, NYS Agribusiness and NYS Green Industry members, etc. can dispose of obsolete chemicals, pesticides, and hazardous materials. This collection event is funded through monies made available by NYSDEC.

Time Warner sent more Correspondence in regards to some Channels that may be lost in the Town of Cambridge.

#### Unfinished Business

##### Town Justice Armet's Report

Previous Justice Thomas Armet's Report for 2009 was read by Councilwoman Fedler he summarized approximately he had 85 vehicle and traffic summons, 8 Penal Law matters, 3 Econ summons, approximately 12 civil cases, a total of 108 matters were heard and handled. 9 arraignments were done for other court jurisdictions; during the year of 2009 a total of \$6,093.06 was sent to the New York State Comptrollers office. As mentioned in the February minutes a total of \$859.43 was paid to the Town of Cambridge, \$759.43 for interest earned on a fax of \$100.00 re: Anderson -v- Kajar, a child custody matter from Plattsburg, N.Y. Councilwoman Fedler is hoping next year there will be no approximates in the reports.

Councilwoman Fedler read a letter from Robert McIntosh a citizen of the Town of Cambridge in support of the purchase of a new truck for the town. Mr. McIntosh is interested in the idea of sharing maintenance responsibilities with Washington County on some of the County roads in the Town of Cambridge. He feels that keeping an up-to-date fleet has several merits for the Town's purposes: making the best use of our highway crew's time and talents and avoiding the high cost of repairing a 20+ year old truck. Also, if the Town hopes to enter into an agreement with the County for shared maintenance, a rag-tag fleet might cause some skepticism on the part of County officials, and a new truck would enable the Town to fulfill its obligations more efficiently.

The New York State Comptrollers Office has been contacted concerning the audit, and The Town of Cambridge is on the list and they will do the audit as soon as possible, schools are the priority on the list. Councilman Ziehm commented that he had called the



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NYS Comptrollers office; he spoke with Carl from audit and control. He verified that someone had reviewed the books and that things were in order he stated that even though the town requests an official audit does not mean that the state will grant this request and complete the audit. If the state agrees to the audit it could be a very long time even years down the road. Councilman Ziehm feels because of the time and process the town can not wait for an audit in order to make financial decisions such as the purchase of the truck. The only other option will be for the Town to hire a private account which could cost between \$10,000 and \$40,000. In this process 4 channels must be gone through to do the complete audit and it could take up to six months, a complete audit is purchases and practices. People present at the meeting questioned whether the town was on the list for an official audit. Supervisor Watkins made everyone aware that the Town of Cambridge would be on this list a letter must be submitted to Audit and Control from the Supervisor of the Town and he will be sending one out .

Supervisor Watkins brought to everyone's attention that the Town Hall needs a new vacuum and he was not sure how to go about purchasing one for the Town Hall. Councilman Berndt stated that he would donate one of his to the Town Hall.

#### Operation Plan for the Town

The Supervisor wanted everyone to be aware that the town has 64.4 miles of road that they maintain, and 7 miles are lanes and private driveways that are maintained with tax dollars. In the 1800's & 1900's in the Old Law the town adopted the Highway System and 19 private driveways were put on these books and were never took off. In the Town of Cambridge, there are 10 additional lanes that will be kept because they have more than one dueling on the lane; the ones that will be removed are less than one-tenth of a mile. Supervisor Watkins is working with Assemblyman Tony Jordan to pursue this law, the public will have to be made aware of what the town is attempting to do by putting a public notice in the paper and each owner will be notified by mail. Supervisor Watkins asked the Town Board if this was something that they wanted to pursue.

#### Resolution #37

Councilman Ziehm motioned, seconded by Councilman Davis to start to explore the idea of giving the single dwelling lanes back to the ones that own them so this would mean that the Town of Cambridge Highway Dept. would no longer be responsible for plowing and maintaining them.

Vote:                      Ayes – 5                      Noes – 0

#### County Report

Supervisor Watkins attended a presentation of Attorney General's Office on ID theft. Those that attended were told to be aware that if the flag was up on the mailbox to be careful what you put in the mailbox. To some people this could be a sign that social security numbers or some kind of important information is in the mailbox, theft could happen. Also mentioned was the Internet credit report, this can be checked monthly to see how your credit report is and if anything has been stolen, Supervisor Watkins stated this was free. Town Justice Janet DeCarlo stated that it was free for the first month and

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after that the person was charged for the rest of their lives, this is very difficult to have canceled.

Supervisor Watkins updated everyone on CBN Connect – which is applying for a \$ 2 million grant to update the high speed internet in Warren, Washington and Hamilton Counties. They told us that we don't have high speed internet in the upper part of the county. This is a non-profit corporation out of C-Tech, one of the states technology groups.

#### County Roads

Supervisor Watkins commented on the Town of Cambridge taking over the county roads this is called shared services; there is a grant for \$50,000 this is already in progress. The program is working with a GPS system, the Superintendent of highways would have to sit down and talk things over and see what they could work out. If the town was to take over the county roads they would go to straight salt, this was a concern of the public and also whether or not the town would have to do all regular road maintenance. Highway Superintendent Eric Shaw has a concern if the Town of Cambridge is doing the county roads are the county people going to be helping out? Councilman Berndt stated that if the town does the county roads than like Danny Thomas had already stated maybe in four years the town won't have to buy a truck or maybe the county will have a truck that the town could get cheaper.

The following bills were presented for audit and approved for payment:

General # 34 – 56 \$18,829.74

Highway # 15 -22 \$9,582.29

There being no further business before the Board, the meeting was moved and carried to adjournment at 10:06 PM.

Respectfully submitted,

Heather Greenawalt  
Town Clerk