

Town Board Minutes
July 14, 2008

At a regular meeting of the Town Board of the Town of Cambridge, duly called and held the 14th day of July 2008, 7:30 PM at the Town Hall, the following were present:

Deputy Supervisor Carol Imhof
Councilman Ted Berndt
Councilman Frank Ziehm
Supervisor Trinkle and Councilman Joel Nichols were absent.

Others present: Town Clerk Sally Eddy, Highway Supt. Eric Shaw, Bookkeeper Margaret Shaw, Lou Imhof, Meaghan Wilkins, Evan Lawrence, Ralph Rossi, Alex and Rani Bass, Dan Thomas, Earl Horton, Anthony Millington, Bonnie Farrell, Jim Buckley, Howard Brown, Bill Fedory, Paul Nadeau, Henry Peabody, Bob Harrington, Cleo Ford, Cassie Fedler, David Brushette, Dan Schmitt, one other person

Deputy Supervisor Carol Imhof called the meeting to order and led in the Pledge of Allegiance to the Flag.

Public Hearing

At 7:30 PM, Deputy Imhof opened the public hearing regarding the renewal of the cable television franchise agreement with Time Warner Cable. There are 41 cable customers in the town. There were no comments from the public. Hearing closed at 7:36 PM.

Resolution by Councilman Frank Ziehm
Seconded by Councilman Ted Berndt

RESOLVED, that the Town of Cambridge Town Board does hereby authorize the Town Supervisor, JoAnn C. Trinkle, to sign the renewal Cable Television Franchise Agreement between Time Warner Entertainment-Advance/Newhouse Partnership d/b/a Time Warner Cable and the Town of Cambridge, New York.

The Town Board voted as follows:

Deputy Supervisor Carol Imhof – Aye	Supervisor JoAnn Trinkle - Absent
Councilman Frank Ziehm – Aye	Councilman Joel Nichols - Absent
Councilman Ted Berndt – Aye	

Minutes

Councilman Berndt motioned, seconded by Councilman Ziehm, to dispense with the reading of the minutes of the June 9, 2008 meeting and approve them as mailed by the Town Clerk with no additions or corrections.

Vote: 3 – Ayes 0 – Noes

Supervisor's Report

The monthly financial reports were reviewed and commented upon. Bookkeeper Margaret Shaw prepared a budget report from January 1, 2008 - June 30, 2008 showing expenditures, receipts and balances of all accounts.

Councilman Ziehm motioned, seconded by Councilman Berndt, to approve the June 2008 general and highway financial reports as well as the quarterly budget report ending June 30, 2008.

Vote: 3 - Ayes 0 - Noes

Town Board Report

Councilman Ziehm reported he received a call from Mary Wargo, who lives on Turnpike Road, stating two big black dogs attacked her sheep approximately two months ago. One sheep was killed and another was wounded. Mr. Ziehm stated the paper work has been submitted to the proper authorities for monetary reimbursement for damages.

Councilman Berndt stated a letter was going out from the ad hoc high speed internet committee to Verizon, with Supervisor Trinkle's signature of endorsement, requesting Verizon expand its internet service to the town.

Councilman Berndt stated he visited Agri-Cycle composting facility on Belle Road on June 27. He met with Bob Wilmot who gave him a tour of the grounds and opened the truck log books for inspection. Mr. Berndt stated that materials brought in are primarily yard waste and paper mill sludge. Mr. Wilmot welcomes any one who wants to observe the operations of the plant.

On June 24, he and Councilwoman Imhof attended the Realty Subdivision class at the county.

Deferred Compensation

At this time a representative for the NYS Deferred Compensation Plan arrived at the meeting. Aaron B. Epling gave a brief presentation about the Plan which is a voluntary retirement savings plan similar to a 401(K) where pretax contributions are invested, primarily, in mutual funds. There is a minimum requirement contribution of 1% of gross salary and a maximum contribution of \$15,500 with some age related exceptions. Participants are charged an annual administrative fee of \$14.00, however, there is no cost to the town. Approximately half of the towns in New York State participate. Mr. Epling will check back with the town in a few weeks to see if any employee wants to enroll in the program.

Planning Board Report

Secretary Sally Eddy reported the Planning Board met July 3 and addressed the following business:

1. Held a public hearing and granted Final Approval to the 2 parcel minor subdivision application submitted by David Slade for the late James J. Murphy property on King Road. The road was used to divide the property, 49.96 acres to the east and 75 acres to the west.
2. Held a public hearing and granted Final Approval to the four parcel minor subdivision application submitted by Ronald Russo on Wright Road. Approximately 109.23 acres were involved. One 40.3 acre lot is located south of the road and the remaining 3 lots are north of the road.
3. There was further review of the Janet and David DeCarlo proposed subdivision on Cambridge-Battenville Road. Currently, there are two houses on the 1.2 acre lot. The DeCarlos are proposing to subdivide for sale the house they are renting. The original dimensions of the proposed subdivision were 80 ft x 200 ft. However, the road frontage has been increased to 96 ft. from land gained by including a right-of-way to the north. Presently, one well serves both houses and it's

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located in the rental unit. The DeCarlos will have to dig a new well if they sell. Code Enforcement Officer LaVerne Davis inspected the property and reported to Chairman Eric Pearson that there is sufficient room on the property for each residence to have its own well and septic. The Board made no decision since Chairman Pearson wanted to consult with Attorney Alan Wrigley.

4. Bliss McIntosh presented a sketch plan to subdivide a 42.5 acre parcel located on County Route 59. It was part of the Lyman White property and is currently owned by his heirs. Nancy White will be conveyed 5.13 acres north of the road and she will merge it with the lands she already owns. 19.64 acres south of the road will be conveyed to Bliss and Robert McIntosh and will be merged with lands they already own. 18.85 acres south of the road will be conveyed to Benjamin White and be merged with lands he already owns. Mrs. McIntosh stated the acreage in the subdivision will be committed to the American Stewardship Association. She will return next month with a preliminary map.

Highway Superintendent Report

1. We had our MSHA 8 hour refresher course. Two employees were not available to take the course at that time and they will be taking their MSHA refresher course on August 5th.
2. The cemeteries were mowed for the 4th of July holiday.
3. Roadsides are continuing to be mowed.
4. Brush was cut along several roadsides as well as regular road maintenance done.
5. Our regular equipment maintenance was performed.
6. We are in the process of screening and drawing sand for next winter before fuel prices rise even more.

Assessor's Report

The Board of Assessment Review (BAR) met June 3 to hear assessment grievances. 10 property owners appeared in person to present their respective cases. Subsequent to that meeting, the BAR met to make a determinations and the required notices were sent out to the property owners. These changes have been incorporated into the 2008 Final Assessment Roll, which was filed July 1, 2008.

Deed processing continues on a monthly basis. This office continues to submit quarterly sales reports to the State of NY. Valid arms length sales will be used by this office as well as the State to establish market trends for future equalization rate studies.

Constituent relations continue to be good during the report period. A good portion of my office time is still spent meeting with property owners to discuss not only their assessed values but to explain in more detail how their values were determined. This office remains open to receive any valid information residents have that they feel might affect market values.

Communications

1. Received a letter from village resident Tom McLean, who lives on South Union St next to the bridge. Mr. Mclean informed Supervisor Trinkle that he is now required to have flood insurance to satisfy the bank. The stream is encroaching on his property because the present culvert under

the bridge is too small and cannot accommodate storm water. It needs to be replaced with a much larger one. Once the proper culvert is in place he can drop the insurance.

2. Each town board member received a copy of a letter from the law firm of Miller, Mannix, Schachner & Hafner, Glens Falls, NY. The firm is representing a number of large property owners who are concerned about the potential adoption by the Town of a “poorly considered Comprehensive Land Use Plan.” The letter stated the firm has reviewed a number of documents relative to the proposed Comprehensive Land Use Plan. One section of the letter pointed out that the Plan’s recommendations are intended to keep the town looking the way it does while allowing for some growth. However, according to the letter, the Plan does not achieve this goal. “Rather, it sets arbitrary and capricious standards, which in effect, would result in the taking of private property in violation of the United State Constitution.” The letter states “We know of no statutory authority which would allow a Town to set an arbitrary number as a limit on future subdivision of land. By devaluing their land by imposing future restrictions on subdivision and development, the Town would be taking their property without compensation.”
The letter stated that the landowners have hired the law firm for the purpose of preparing to defend against any such illegal taking. The letter states that the firm believes that their clients’ interest and the interest of the town are better served by abandoning the Plan rather than spending years in expensive litigation. The letter in its entirety is made part of and attached to these minutes.

Unfinished Business

The vote on the Time Warner Cable contract took place immediately following the public hearing.

New Business

Several members of the Comprehensive Plan Committee were in attendance. Member Ralph Rossi presented a resolution to appoint William Figlozzi and Judy Leon to the Committee because they have been actively participating for several months but were not among the 16 people originally appointed. Mr. Rossi also asked that 6 names be removed who were among the original appointees but have failed to continue to participate in the committee’s work. One member did officially resign. Upon investigation, it was discovered that Figlozzi and Leon were appointed by resolution of the Town Board on May 14, 2007, therefore, that part of the resolution was eliminated.

Resolution by Councilman Ted Berndt

Seconded by Councilman Frank Ziehm

RESOLVED, that the Town Board of the Town of Cambridge does hereby remove the following members from the Comprehensive Plan Committee:

Shawn Bateman	Donald Hamilton
Vance Bateman	Neil Pearson
Amy Drake	Kathleen Ward

Vote : 3- Ayes 0 – Noes

Councilman Ziehm asked if there have been any changes made to the Plan after the public outcry?
Ralph Rossi responded there have been some.

Committee member Steve Sanford remarked that the Subdivision Section has been revised and moved from the Recommendation Section to under the heading of Discussion of Alternatives. He added that

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without some regulations to control density the town is defenseless against development. Mr. Sanford added that the Final Draft of the Comprehensive Plan is being prepared with the revisions and the Committee expects to vote on it at the July 17 meeting, after which copies will be available for the Town Board, Planning Board and general public via paper copies and internet. On September 10, 2008 there will be a public hearing at which time the community can make comments on the Final Draft. However, the Committee will make no changes. A copy of the comments and Final Draft will be handed to the Town Board.

Several farmers were in attendance and a lively discussion ensued. All along their objection to the Plan has been based on the premise that their property rights are being taken away by the proposed restrictions concerning the subdivision of land, particularly large tracts. The land is their retirement and they should be able to do what they want with it.

Jim Buckley commented that Plan contains a lot of things and we need to read it carefully. One thing it states is that no dirt roads should be paved and, another, it does not favor cell towers in the town even though we need them.

Bill Fedory, a member of the Committee, remarked that the Plan does not oppose cell towers but recommends some regulations governing them.

Resident Rani Bass, who indicated she was a social scientist with training in quantitative methods, commented that the contents of the Comprehensive Plan rely heavily on the results of a survey that was mailed to town landowners. Ms. Bass had serious concerns about the quality of the survey and took it upon herself to send a copy of it to a recognized expert in survey research William W. Vosburgh, PhD., Professor Emeritus at the Bryn Mawr Graduate School of Social Research. Dr. Vosburgh concluded that the survey was so seriously flawed that no conclusions could be drawn from any information it elicited and that it is essentially worthless. Ms. Bass recommended that, if the town wants to pursue a Comprehensive Plan, the Town Board delay any action on the Plan until a proper survey has been contracted by a professional survey researcher.

Alex Bass agreed with his wife and remarked that the Plan is based on useless information.

Farmer Cassie Fedler stated she attended eight to ten Comprehensive Plan Committee meetings at the beginning but didn't have the time to continue. She expressed she did not feel welcomed and felt she was being ignored. She said farmers need some options. Selling a piece of property provides a cushion, a safety net when money is needed. She and the other farmers feel that if the Plan was in place their land would be devalued and they would not get a fair price. She suggested opening the plan back up to the public and let's look at it together.

She also wanted to know why do we need a Comprehensive Plan?

Deputy Supervisor Imhof responded that in order to be eligible for certain state grants a requirement is that a comprehensive plan be in place.

Steve Sanford commented that even though the town has a Planning Board, there is no plan in place to guide their decisions. He added the current subdivision regulations say nothing about what's important in the town.

At this point Deputy Imhof was asked to read aloud the letter sent by the Glens Falls law firm representing the farmers. The letter threatened legal action if the town went ahead and adopted the plan. Attorney Cathi L. Radner signed the letter.

Howard Brown said you (the town) will be watched fully. We have resources and money.

Bill Fedory asked who signed the letter since only the attorney's name appeared.

Earl Horton spoke up and said he was one of them.

Steve Sanfrod stated that mere adoption of the Plan does not take your land.

Raplph Rossi remarked that the town wanted a Comprehensive Plan. Some communities have one, some don't. The town asked for volunteers and a committee was formed. A survey was sent out and results compiled. The Committee should be able to complete the Plan and hand it to the Town Board. Let the Town Board decide what to do.

Deputy Imhof stated it's hard to satisfy everybody. She commended the Committee for the four years they worked on it. She thought the Plan should be brought to the Town Board and let the Board vote on it.

Transfer

Phoenix Labs submitted a bill of \$2814.00 for testing the wells at the old landfill. Since only \$2000.00 was budgeted, the following transfer was enacted to cover the balance:

Councilman Berndt motioned, seconded by Councilman Ziehm, to approve a transfer of \$814 from A1990.4 (Contingent) to A8160.4 (Landfill Contractual) to cover the balance of the bill submitted by Phoenix Labs for testing the wells at the old landfill.

Vote: 3 – Ayes 0 - Noes

No County Report

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

General # 114 – 132 \$15,563.46

Highway #79 – 91 \$ 7,361.67

There being no further business before the Board, the meeting was moved and carried to adjournment at 9:40 PM.

Respectfully submitted,

Sally Beelen Eddy
Town Clerk

