

Town Board Meeting
February 8, 2010

At the Regular Meeting of the Town Board of the Town of Cambridge, duly called and held the 8th day of February 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 Janet DeCarlo, David DeCarlo, Ashleigh Farrell, Dick Sutherland, Fran Moon, Nancy Maebus, Dieter Drake, Amy Drake, Terry Hamilton, Daton Standard, Jimmy Standard, Patty Pearson, Eric Pearson, Henry Peabody, Dan Schmitt, LaVerne Davis, Robbie McIntosh, Scott Keller, Rani Bass, Jim Buckley, Astrid Davis, Gerald Skiff, Danny Thomas, Steve Robinson, Dick Battistoni, Andy Thomas, Brian English

Supervisor Watkins called the meeting to order at 7:30 PM and immediately led in a moment of silence for prayer and then led in Pledge of Allegiance to the Flag.

Resolution #20

Councilman Ziehm motioned, seconded by Councilwoman Fedler, to approve the minutes of the January 11th Regular Meeting with Organizational Resolution and the Executive Session and the January 20th Special Meeting, with two corrections in the Regular Meeting minutes. On page 5, Resolution #9 action was taken and the vote was Ayes – 4 Noes – 0, on page 6 in the 2010 Organizational Resolution the Town Justice salary reads \$3500 and the salary should read \$3000. Corrections on the January 20th minutes are as follows on page 2 there are two Resolution #15, so the second Resolution #15 should be changed to Resolution #16 and the rest of the Resolutions changed sequentially throughout these minutes.

Vote: Aye – 5 Noes – 0

Items to be Added

Under Superintendent of Highways Report 1. Equipment Schedule

Supervisor's Report

1. The State Comptrollers Office will be doing a complete audit of the town financial reports, procedures, and policies.
2. The Assessor has brought to the Supervisors attention that some exemptions are missing so anyone that has exemptions should contact Mr. Jackson and make sure that their exemptions are updated. The Assessors hours are as follows Thursdays from 1-7. Councilman Davis inquired on the status of the paperwork filed with the New York Department of Civil Service regarding Mr. Jackson's appointment. Supervisor Watkins mentioned that it was looking promising for the Civil Service Waiver.

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3. Supervisor Watkins mentioned about the Assessor's computer was locked because of no password and Supervisor is now aware that the program is outdated Windows 2000 he will have it updated.

Town Board Report

Councilwoman Fedler made appoint to take the time to thank Margaret Shaw Clerk to the Supervisor for her time and patience in the process of auditing the books. Also thanked was Retired Town Clerk Sally Beelen Eddy for her time spent answering questions and making copies. Eric Shaw Superintendent of Highways for his time spent on updating information and putting it together for the Board.

Councilman Berndt reported he has a Resolution from the citizens' committee members of High Speed Internet Committee which met on February 4th 2010 at the Town Hall before the Joint Planning board and Town Board meeting. Councilman Berndt will give a copy to Town Clerk Greenawalt. Those present were Dick Battistoni, Dan Schmitt, Ed & Sue Kenyon, Cliff DeCarlo, Bill Figlozzi, Supervisor Watkins, Councilman Berndt. The following strategies will be taken to go forward with the DSL by Supervisor Watkins and the Public Service Commission, a letter was written to Assemblyman Tony Jordan, and a follow up letter to Senator Kirsten Gillibrand. Hudson Valley Wireless is checking on the status of the second application for the stimulus funds. Congressman Scott Murphy's office was contacted and they suggested contacting USDA for Rural Services Grant to see if the \$50,000 grant that was being sought through Senator Little's office and Empire State Development Corp. would be possible. Because the committee has been unsuccessful with Verizon acting on the request. The Post Star business writer Blake Jones, and reporter Nick Rizman who covers Washington County will be contacted to take a look at situation and see if it is a news worthy topic. Sue Kenyon is going to contact a writer that has done work in the past on citizen advocacy for High Speed Internet issue.

Councilman Berndt inquired about the status on the High Speed Internet for the Town Hall. Supervisor Watkins stated that he had been in touch with Hudson Valley Wireless and they wanted \$100 monthly for the Town Hall. A repeater would be put over on Conley road, and 10-15 homes in that area would have a monthly fee of \$39.00. Hudson Valley Wireless would still like the Town to subsidize \$10,000 for the repeater that is put on Conley road. Councilman Berndt stated that according to Town Clerk Greenawalt WildBlue can be installed and it is about \$50 a month and a credit card is needed to start the process.

Resolution # 21

Councilman Berndt motioned, seconded by Supervisor Watkins for Town Clerk Heather Greenawalt to have the authorization to get a credit card for the Town of Cambridge, with the limit of \$500.

Vote: Aye – 5 Noes – 0

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Councilman Ziehm had received a call while he was away from a concerned citizen regarding the debris from the McLaughlin House. Councilman Ziehm had referred this person to the Supervisor because he was not aware of the situation and unable to answer this question. Supervisor Watkins updated everyone on the situation and the status, he stated that there had been demolition without a demolition permit. The concerns of the citizen were the debris slightly off to side of the road from the demolition. Supervisor Watkins stated that this matter has been taken care of and also that this town has a format for Demolition of Buildings and it is not being adhered to. From this day forward, if someone is doing building or demolition they will get a permit. People from the community questioned how much the permit is and the benefit of getting the permit. It was stated that the permit is \$50 and working without the permit is a fine of \$50. Any demolition LaVerne Davis Building Code Enforcement must be made aware and the permit must be filed. Councilman Berndt stated that in May the Town Board will be going over and updating the Towns Code Enforcement permits, and will be putting them on the website if need be so that they are available to the townspeople. The Supervisor thanked Councilman Ziehm for bringing this matter up so that everyone could be made aware.

Town Clerk Report

Town Clerk Heather Greenawalt reported on the Town and County taxes that are being collected for 2010. The total taxes collected as of February 1, 2010 are as follows \$1,409,376.17 and the outstanding taxes to be collected are \$463,309.64.

Planning Board Report

Supervisor Watkins made a short comment on the Joint Planning Board and Town Board meeting on the 4th of February 2010. Mr. Watkins commended Councilman Berndt for coming up with the idea. Mr. Watkins stated that over the years the development of the community has been a challenge, and the town has to do something concerning development as far as control. Chris DeBolt Planner, Leah Everhart from the law firm of Miller, Mannix, Schachner & Hafner, LLC. attended this meeting as did many other members of the public. Leah Everhart gave some insight towards the direction the town might want to follow regarding zoning, site plan review, and Planning Board options. This was found to be very helpful and the Planning Board will be reviewing their options, comparing with other towns to see what they do and writing up more stipulations for the town and than presenting them to the Town Board.

Highway Superintendent Report

Eric Shaw, Superintendent of Highway Department reported that the Highway Department dealt with a number of nuisance storms with only minor equipment problems. The pickup had to have new wheel bearings and brakes on the front at a cost of \$880.53. They had light problems on three of the big trucks which have all been remedied for now. Two cutting edges were changed on the plows and wings, some trees and brush were cut. The loader has been repaired by Capital Tractor at the cost of \$5308.00. Ice came off the roof of the Shop and broke the fuel lines to the furnaces. Chuck and Charlie fixed them and then built a cover over the lines to solve the problem. Ice also came off the Town Hall roof and broke the railing on the handicapped ramp. The

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men also repaired that. Supervisor Watkins asked if anyone had noticed anything different in the roads, a change. Eric Shaw then reported that they had been cutting the sand down in half and adding more salt and instead of spreading it across the entire road they had been dumping it in the middle.

Some questions were brought up about the cost of salt vs. the cost of sand. Salt \$6421 per ton and use about 400 ton per year used so far this year 300 ton. Sand the cost per ton is \$325 but it still has to be screened and drawn approximately one month is spent doing this, 2 to 3 weeks actually. A total was requested for approximate major repairs to the loader last year which would be \$4400, stated that the loader should go 2 to 3 more years. The total drop in trade in value would be \$27,000 as requested by Councilman Berndt. Mr. Shaw stated that this year he should put in for a new truck, rather than a loader because we have \$185,000 in the equipment reserve now. Leftover 2007-08 models are approximately \$30,000 cheaper than the 2010-2011 models. If a purchase is made now the Town could pickup one of these leftovers, which would be brand new. Councilman Davis stated if looking at the proposed purchasing schedule that Eric Shaw has put together the Highway Dept. has a 22 year old truck that needs to be replaced it is working properly now but who knows for how long. Don't know physically what the deterioration is, the truck will be sold out right, the plow will be kept because it is only 5 years old. Questions were asked by the community if the town needed a new truck? Councilman Ziehm stated that this schedule was set up in 1988; money is set aside in the fall so that the town does not have to borrow money for any equipment. Last year was time to trade for a new Loader and the Town did not do that now it is time for a new truck usually get 20 years out of a truck and this one is 22 years old. The equipment needs to be turned over before total junk that way the town will get something for it. A large purchase is made one year and than the following years smaller purchases are made. Councilman Ziehm states in the future more money will probably have to be set aside because of raising costs. If the truck is purchased now the next truck is not due to be purchased till 2014, five trucks are in this rotation purchasing schedule.

Resolution #22

Councilman Berndt motioned, seconded by Supervisor Watkins to go out for bid for a Tandem Axle Cab and Chassis and also Plow equipment with wing and combination dump body and sander unit.

Vote: Aye – 5 Noes – 0

Resolution #23

Councilman Berndt motioned, seconded by Supervisor Watkins that Supervisor Watkins and Councilman Davis will meet March 3rd at 1:00 PM at the Town Hall with Eric Shaw Highway Superintendent to open bids for the Tandem Axle Cab and Chassis and also Plow equipment with wing and combination dump body and sander unit.

Vote: Aye – 5 Noes – 0

Assessor's Report

Councilwoman Fedler reported in Mr. Jackson's absence. With the assistance of Washington County Real Property Tax services, access to the town's real property file has been updated. Work is ongoing to input deed transfers, recorded during the year, with required notification of STAR exemption availability being mailed to the new property owners. He has been meeting with residents during his Thursday office hours to address questions they have regarding exemption renewals. He has also made his email address available to those residents that want to contact him when he is not in the office. He has requested a copy of every transfer report (RP-5217) recorded since taxable status date (March 1, 2010) to check to make sure all deeds involving property in the Town of Cambridge have been recorded on our computer file. New construction valuation will be addressed in early March, 2010.

Communications

1. Supervisor Watkins received a check for \$850.00 from NYMIR for interest from the original insurance policy which has been deposited in the general account.
2. Additional monies were received from a previous bank account managed by the Town Justice, Thomas Armet. This money was from interest earned on a prior fax for \$100 the total interest earned was \$700.00 therefore a check has been deposited in the general account for \$800.00.
3. The dog control officer has made the Supervisor aware of the case of the Barking dog issue in the town. This case was setup as a civil matter by the previous justice however because it is a violation of the local law this case should have been filed as a criminal matter. Town Justice Janet DeCarlo dismissed the civil matter. A letter has been written responding to the letter received from Trooper April Montgomery letting her know the exact procedures that need to be taken to file criminal matter. Town Justice Janet DeCarlo also wrote to the complaint to explain to him what to do step by step right from the law.
4. Supervisor Watkins received a letter from attorney Alan Wrigley stating that he would welcome the opportunity to continue representing the Town of Cambridge in general matters. However, his practice does not include litigation except in rare cases, so the town should seek other counsel to represent in the pending litigation.
5. Time Warner sent correspondence in regards to some channels that will no longer be received in the area.
6. The Supervisor received a letter from the Girls Scouts of America stating that as an organization committed to serving girls and their communities in northeastern New York, they recognize the importance of local government leaders who exemplify these qualities which they instill in their members. By supporting local leaders they can successfully work together and work with us to build girls with courage, character and confidence.
7. Hudson Valley Greenways sent information letting us know that the Town of Cambridge is eligible to participate in the Hudson Valley Greenway Program, Assemblyman Roy McDonald and Senator Betty Little sponsor this program, 80% of the communities have joined the Greenway.

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8. Supervisor Watkins talked to Supervisor Shay of the Town of White Creek in regards to the bridge on South Union Street which is deteriorating; to see if the Town of Cambridge and the Town of White Creek could join forces to replace the bridge. The Supervisor will speak with Eric Shaw superintendent of highways about this matter. It is possible that there is stimulus money to help with the expense. Councilman Berndt had mentioned that State DOT is handling the funds for infrastructure in New York State right now; Councilman Berndt will give this information to the Supervisor.

Unfinished Business

Supervisor Watkins mentioned that a one month continuance was issued on the 19th of January at the hearing regarding the pending litigation of the Brownell Road Property. On the 19th of February will there will be a hearing regarding a answer to the petition and on the 26th the judge will make a decision on the matter.

Appointing a Lawyer

Supervisor Watkins made a motion to hire Douglas Rose for this pending litigation. Councilman Ziehm made motion that they first go into executive session to discuss the pending litigation for a few minutes, so he could get up to speed because of his absence.

It was suggested by Councilwoman Fedler to go through the rest of Business on the agenda and then go into executive session.

Deputy Clerk to the Supervisor

Tabled from the January 11, 2010 Town Board meeting was the Deputy Clerk to the Clerk to the Supervisor as read in the Organizational Resolution.

Councilwoman Fedler made a motion, seconded by Councilman Davis however only for purpose of discussion, to appoint Deputy Clerk to the Supervisor per diem at the rate of \$10.00 per hour. The question was asked if a deputy clerk to the Supervisor is needed, because there has never been one before. If this position was appointed and someone steps in then would Margaret Shaw Clerk to the Supervisor have to go back and check this work and make corrections? It was stated that we do need someone who knows the position in case of accident or illness. It was suggested that if this problem should arise, the Town contact another town and have their Clerk to the Supervisor fill in temporary, per diem. Margaret suggested this was a good idea because there would be no training involved. Margaret Shaw Clerk to the Supervisor mentioned that at this point there was nothing in the budget for backup; this should be taken into consideration for the future. Councilwoman Fedler withdrew the motion to appoint a Deputy Clerk to Supervisor.

Deputy Supervisor Salary

Supervisor Watkins questioned the Deputy Supervisors Salary which was established per resolution in the January 11, 2010 meeting as \$25 per diem, he questioned why it could not be left the original way it was to begin with \$200 annually. Councilman Berndt

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stated in the previous history of the town the Deputy Supervisor to the Town has only filled in for one meeting in the past two years and in the previous eight years only two times. Councilman Davis stated that they were only talking about \$200; Councilwoman Fedler deserves that \$200.

Resolution # 24

Councilman Davis motioned, seconded by Councilman Berndt to make the salary to the Deputy Supervisor \$200 annually.

Vote: Aye – 5 Noes – 0

Policies, Code of Ethics, etc.

Councilman Berndt requested corrections be made to the Sexual Harassment policy because Supervisor Gruber name is still listed as a contact. Councilwoman Fedler also mentioned on the Equal Opportunity Policy the Supervisor needs to be changed and the addresses.

Councilman Berndt suggested that the Town Board also look at the Ethics Policy the gifts section has a limit of \$75; he had made a motion that it be changed to \$25. Councilwoman Fedler requested to table this until they see what the official audit has to say, this way we are not constantly amending. Councilman Berndt withdrew his motion.

Ambit Electrical Supplier

Mr. Flint talked to the Supervisor about saving on electricity usage for the Town of Cambridge, he is from Ambit which is an electric supplier. When the electrical usage supplier is changed to Ambit they are 7% cheaper for the first 2 months. This gentleman stated that Nationalgrid is going to be out of the electricity business in two years, Ambit is one of the suppliers to choose from.

New Business

Tour of the Battenkill (Dieter Drake)

Dieter Drake, Event Organizer / Race Promoter of the 6th Annual Tour of the Battenkill Cycling Race spoke about the race, which is now because of past support the largest race in North America. Mr. Drake came seeking a resolution to support the race which would be held on two weekends in April. The first weekend would be Saturday, April 10th which will be the Pro/Am event, and Saturday, April 17th Ride2Recovery to benefit & disabled Veterans which is non-competitive, Sunday, April 18th will be the Tour of the Battenkill Professional Invitational. Christine Hoffer the Washington County Tourism Director was present at this meeting also to support Dieter in his presentation. Many people from the community voiced their concerns about the starting and stopping places of the race. Business was slowed for the weekend for many businesses because it was hard for customers to get through town. Dieter has spoken directly to the business owners concerned in the town and the starting place has been changed to Route 313 next to the Rescue Squad Building, so the bulk of the village won't see the activity. The finish line is still on Main Street in front of the green bridge near the Fire house. Due to the low

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amount of hotels in the area, many people in the community are offering housing or can offer housing and charge. Last year many were housed at the Christ the King Church however because of other events they will have minimum space. Volunteers who would like to offer housing and also for directing traffic can contact Deborah Fox. Many people also voiced their concerns about racers not paying close attention to motorists, for example many riding 4 or 5 abreast. Dieter mentioned that he would communicate this back to the racers.

Resolution #25

Councilman Davis motioned, seconded by Councilman Ziehm for the Town of Cambridge to support the Tour of the Battenkill.

Vote: Aye – 5 Noes – 0

United States Census 2010

The United States Census is recruiting for Employment Opportunities a test will be given on February 18, 2010 for jobs with Census at the Cambridge Valley Rescue Squad at 2:00 PM. Jobs are available at the \$13.00 per hr. and 50 cents a mile, test includes 28 multiple choice questions, and practice test is available on the website. This job is done on your own time no set hours, pamphlets were handed out with numbers to call for more information, and time frame of the job is 3 to 8 weeks.

County Report

1. The County is going to start implementing something new, the town of Putnam will start maintaining county roads. This program was initiated by William Grimmke public works superintendent by obtaining a County Roads Grant.
2. Supervisor Watkins reported Lake Lauderdale Park will still be open, reservations can be made to rent the pavilion, a fee will be charged to get into the gate. No motorized boats are allowed to go into the lake however they are thinking about making a non-motorized boat launch off of Rt. 22 for the public.
3. Councilman Berndt questioned why at the Organizational meeting for the County on January 4th 2010 that Supervisor Watkins voted no on the IDA appointments. There were four Warren / Washington County IDA members that were curious why the Supervisor voted no. Supervisor Watkins responded that some of them had been on the Board for quite a while, a new board equals new ideas.

Privileges of the Floor

Eric Pearson Chair for the Planning Board had a concern with a topic brought up at the Joint Town Board and Planning Board Meeting on February 4th 2010. This was in regards to the .09 acre lot created by the Planning Board. The question was whether or not the Planning Board had created a lot that could not be used for building purposes. The small lot was actually created before there was a Planning Board for the Town of Cambridge. There was a stipulation put in place that when the subdivision took place the

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small lot would be absorbed by the larger 42 acre lot. So actually this eliminated the small parcel, this is not shown at the county because it was never filed.

Nancy Maebus read a letter regarding the Joint Planning Board and Town Board Meeting about the zoning compared to the Comprehensive Plan. She stated that we are capable of governing our town, ordinances will keep us free of problems.

Resolution # 26

Supervisor Watkins motioned, seconded by Councilwoman Fedler to go into executive session to discuss the pending litigation against the town and hiring a lawyer.

Vote: Aye – 5 Noes – 0

The Town Clerk Heather Greenawalt was invited into Executive Session and no action was taken so no minutes were required.

Executive Session was entered into at 9:15 PM.

Resolution #27

Councilman Berndt motioned, seconded by Councilman Ziehm to come out of Executive Session.

Vote: Aye – 5 Noes – 0

Town Board came out of Executive Session at 10:00 PM.

Appointing a Attorney

Resolution #28

Councilman Berndt motioned, seconded by Councilman Ziehm to appoint Alan Wrigley to the position of the Town Attorney for the Town of Cambridge per diem.

Roll Call Vote: Supervisor Watkins – Noe
 Councilwoman Fedler – Noe
 Councilman Berndt – Aye
 Councilman Davis – Aye
 Councilman Ziehm – Aye

Concerns were voiced by the public whether this was the best representation for the Town because of past experiences with Mr. Wrigley. Councilman Berndt stated that we don't know that Mr. Wrigley hasn't acted in the best interest of the town in the past. When questioned by the public who would be representing the Town on February 19th 2010. Councilman Berndt had motioned that he would represent the town at the pending litigations and respond to the petition on February 19th.

It was suggested that the town have an Attorney represent them at the pending litigations against the town on February 19th 2010. The public felt that the best interest of the town

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was not being looked at here. Because of the concerns of the public, it was taken into consideration to hire an Attorney for the pending litigation, the Article 78 preceding.

Councilman Berndt withdrew his earlier motion to represent the town at the February 19th 2010 hearing for the pending litigations against the Town of Cambridge.

Resolution #29

Supervisor Watkins motioned, seconded by Councilman Davis to call Lonny Berney and to contact Douglas Rose regarding representation of the Town Board on February 19th 2010 for Article 78 preceding. A tentative contract will be faxed from Douglas Rose and Lonny Berney who will work possibly Pro Buono. Also an emergency meeting will be called for February 11th at 2:00 PM at the Town Hall to hire a Lawyer for the pending litigations against the Town regarding the Brownell Rd. property.

Vote: Aye – 5 Noes – 0

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

General # 11 – 33 \$12,464.19

Highway # 5 – 14 \$13,101.18

There being no further business before the Board, the meeting was moved and carried to adjournment at 10:50PM.

Respectfully submitted,

Heather Greenawalt
Town Clerk