

Town Board Meeting
September 20, 2010

At the Regular Meeting of the Town Board of the Town of Cambridge, duly called and held the 20th day September 2010, 7:30 PM at the Town Hall the following were present:

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

Others present: Town Clerk Heather Greenawalt, Highway Superintendent Eric Shaw, Clerk to the Supervisor Margaret Shaw, Code Enforcement LaVerne Davis, Town Justice Janet DeCarlo, Jimmy Stannard, David DeCarlo, Dick Sutherland, Nancy Maebus, Dick Basttistoni, Doug Santeramo (Boy Scout), Dave Santeramo (father of the boy scout), Astrid Davis, Scott Keller, Terry Hamilton, Bob Hamilton, Ernest Trinkle, Carl Ackley, Gerald Skiff, Megan Farrell, Sally Whitney

Supervisor Watkins called the meeting to order at 7:30 PM and immediately led in a moment of silent prayer for Marine Cpl. Philip G.E. Charte who was killed in combat while serving the country in Afghanistan. A Pledge of Allegiance to the flag followed.

Resolution #94

Councilman Berndt motioned, Seconded by Councilwoman Fedler to approve the minutes of the August 9, 2010 Town Board meeting with two corrections on page 7 in Resolution #93 it should read \$100.00 was transferred from contractual A3520.1 control of other animals – personal services and \$100.00 transferred from control of other animals, contractual A3520.4 for a total of \$200.00 transferred to A3510.4 Dog contractual, in order to cover this month and successive charges. The other correction is in the corrections of the last meeting the last sentence of Resolution #86 should be disregarded because it contradicts what I am trying to say.

Vote: Aye – 5 Noes – 0

Supervisor's Report

Resolution #95

Councilwoman Fedler motioned, Seconded by Councilman Ziehm to approve the August 2010 Supervisor's Report.

Vote: Aye – 5 Noes – 0

Items to be Added

Councilman Berndt stated that he had items to be added to the agenda, the Supervisor stated that they would have to be added to next meetings agenda because this month's agenda was already full. Councilman Berndt made a motion to the board to request that his items be added to the agenda. These items include that a resolution be added for next month honoring Marine Cpl. Philip G.E. Charte, the updates on the burn plant which directly affect the county which can be added to the county report. Under the Code Enforcement where there is procedures LaVerne Davis supplied Councilman Berndt with

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a packet that has a local law that goes back to 1954. Mr. Berndt stated that all Town Board members should have this in their possession.

Town Board Report

Councilman Berndt reported that The High Speed Internet Committee will meet with representatives from Congressman's Murphy's office on September 22, 2010, Supervisor Watkins has been notified about the meeting.

Councilman Berndt mentioned that last month it had been discussed about possibly going with Verizon instead of Cornerstone for the Telephone provider. The Supervisor stated that he had talked with Terry Dwyer and he is communicating with the people in New York City and he will get back to the Supervisor Watkins what direction the High Speed Internet is going in the Town of Cambridge.

Councilman Berndt reported on the Town Website he stated that updates will be made and all the Code enforcement forms will be made available to the public on the Town Website. The Foil Request form has also been added to the Town Website. The Supervisor questioned who updated this Town Website. Councilman Berndt stated that Catherine Littel was the one who updated this website, and Councilman Berndt stated that he had an invoice to submit that he had been paying out of pocket till this time, and he would continue to do so if he has to. It was brought up that this had been discussed before and was considered having the Town Justice maintaining the website. Councilman Berndt stated that he doesn't feel that it is appropriate for the Town Justice to maintain the Town Website.

Town Clerk Report

Town Clerk Heather Greenawalt reported that she had sent the Town Board members in there packets information on the new licensing as of January 1, 2011 and how the Town Board would be responsible on making some of the decisions pertaining to the new Dog Licensing Law. The Town Clerk handed out additional paperwork that contained information that The Town Board must consider when making rules up for the law, now the Town Clerk will be responsible for keeping track of everything pertaining to dog licensing in the town.

Town Clerk Heather Greenawalt, read a resolution to the Town Board asking their permission to a appoint a second Deputy Town Clerk so there will be plenty of help when Heather Greenawalt goes on Maternity Leave.

Resolution #96

Motioned by Supervisor Watkins,
Seconded by Councilwoman Fedler,

WHEREAS, the Town Clerk Heather Greenawalt of the Town of Cambridge is requesting permission from the Town Board to appoint a second Deputy Town Clerk,

WHEREAS, it is stated in the Town Clerk, Association of Towns of the State of New York Handbook that the Town Clerk may have up to 3 appointed deputies,

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WHEREAS, the Town Clerk will need someone to fill in for her when she is on Maternity leave in November/December 2010,

THEREFORE BE IT RESOLVED THAT, this will give Town Clerk Heather Greenawalt two Deputy Town Clerks to fill in while she is on maternity leave and share the responsibility of the hours,

Vote: Ayes – 5 Noes – 0

Planning Board Report

In the absence of the Sally Beelen Eddy the Clerk to the Planning Board Heather Greenawalt the Town Clerk read the report from the August and September 2010 meetings. At the August and September Planning Board Meetings the board reviewed and revised two (2) of the six (6) recommendations that were submitted to the Town Board in June.

#1. Old recommendation – A 50 ft set back from the road be established for new construction. To clarify the old recommendation, a new one was voted on and enacted:

 New Recommendation – A 70 ft. set back, measured from the center of the road, be established for new construction.

#3. Old recommendation – A minimum 50 ft. width be established for access road (s) to lot(s) in the subdivision for the purpose of safe passage of emergency vehicles. At first, the board felt the word “road(s)” would be misinterpreted to mean an actual constructed road, therefore, it was replaced with wording that “a 50ft. width of a span of property be owned by the property owner for ingress and egress to the property.” A lengthy discussion ensued concerning an owned span of property vs. a right-a-way. A major concern expressed was not allowed. After taking all comments and opinions into consideration, the board voted to eliminate Recommendation #3 completely.

A resident appeared before the board at the September meeting seeking the feasibility of subdividing her property does not sell as a whole piece. The property is located on Conley Road and has been on the market for 4 months. The house, which is east of the road, would be sold as one parcel and the land west of the road, which is vacant, would be sold as another parcel. The board gave approval to her proposal and told her a survey would be required if the property was sold as 2 separate lots.

Pages 10 – 18 of the Subdivision Rules & Regulations were reviewed by the board. No changes were made. The next meeting will be October 7, 7:30 PM.

Superintendent of Highways Report

Eric Shaw Highway Superintendent reported that in the past month they devoted their time mainly to the Bridge project on South Union Street. It will be completed as soon as the paving is done.

 The new railings which were installed on September 20, 2010 were made by Viking Fabricating of Cambridge.

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Sand was drawn during the times that the highway crew were not working on the Bridge. The Village sand is completed and ours will be completed soon.

Two new tires were purchased on State Contract for the front of the mowing tractor. One rear tire was repaired because of a calcium leak.

The mowing is winding down. All the paved roads have been mowed back and now the dirt roads are being worked on.

Code Enforcement

Supervisor Watkins asked LaVerne Davis to explain to everyone how a complaint is made out. LaVerne Davis explained the complete process from the process of getting the building permit and filling it out and then he reviews it and issues the permit.

Throughout the process of the project LaVerne Davis must inspect the project as it progresses. When everything is up to code then the person that obtained the permit gets a certificate of occupancy.

Councilman Davis questioned where they stand as a board if they know that there is a structure that never applied for a permit and LaVerne Davis has been there saying they need a permit and they still don't get one. If a fire occurs and someone is hurt or worse what happens then. The Code has been adopted and if LaVerne reports to the board that something is wrong then the board must act on it. Councilman Davis questioned about a mobile home that was on a farm that was not up to code, he questioned where the town stands with that. Jim Stannard a resident from the town had a similar situation and there is an Ag & Markets Law pertaining to mobile homes on farms, regarding farm housing. Even with this law the resident still must abide by all the rules but there is some flexibility however, the mobile home must still pass inspection by code enforcement.

August 27th Code Enforcement informed Mr. Berndt about an incident of a mobile home on English Road. The Supervisor was also informed about a site visit that was done, and also a pool incident on Rt. 59, and last Monday the 13th of September about a garage on Martindale way. Councilman Berndt stated that Supervisor made a statement last month that we can't turn a blind eye, these things need to be taken care of. Councilman Ziehm stated that a final approval must always be given the board needs to look at these things. The Supervisor questioned LaVerne Davis if he had looked at this trailer, and is it up to code even though it is a replacement trailer. Councilman Davis stated that we need to enforce everything that we have. Councilman Berndt stated that the Town of Cambridge has a 1984 Town Law that tells us our role as a Town Board and a code administrator can be appointed as one of the board members. There are requirements of education with this position, this position mirrors what LaVerne Davis does. Councilman Berndt made a motion that Councilman Davis be the code administrator, both Councilman Davis and also Councilwoman Fedler stated that they didn't think that this position was needed to tell LaVerne what to do, he has been doing this for many years. Councilwoman Fedler did state that none of the board members have the code enforcement knowledge of LaVerne Davis. Councilman Berndt stated that some kind of procedures are needed because there were several incidents where LaVerne Davis needed assistance to a residents house.

Resolution #97

Councilwoman Fedler motioned, Seconded by Councilman Davis to table the discussion on the Code Enforcement until members of the board have had a chance to read over the Town Law and gain the knowledge that they need to consider which direction to go in.

Vote: Ayes – 5 Noes – 0

Assessor's Report

Supervisor Watkins reported on the Equalization rate and how the Assessor's goal was 100% for next year and this was due to Real Property by October 1, 2010.

Supervisor Watkins also questioned everyone and whether or not they received their school taxes and how much they went up. He stated that if you paid taxes to Cambridge Central School in the Town of Cambridge your school taxes went up, because the budget went up 5% and in the town of Greenwich the budget only went up 1.5%. The reason for the change between the two school districts is the equalization rate and the percentage of increase in the budgets and also the decrease in the star exemption.

Councilman Berndt brought up for discussion who had access to the Assessor's Office. Councilman Berndt cautions the Town Board about going to people's homes and dropping off exemptions, he has heard reports of this happening. The Supervisor's questioned is this against the law? It was further discussed about the exemptions and the Assessor's availability and whether or not it is possible that he could attend a few more meetings.

Town Justice

Town Justice Janet DeCarlo has a ruling from the Judicial Ethics Committee that anytime that the Town Justice appears on the Agenda she is allowed to speak on the Court, the operation of the Court, or the Law and Administration of Justice. Town Justice Janet DeCarlo welcomed Town Justice Carl Ackley from the Town of Jackson, and Alan Brown the Supervisor from the Town of Jackson. They were at the meeting to listen to the discussion about the consolidation about the town court. The Town Justice stated that she has done a lot of investigating since the subject came up last meeting and her jurisdiction is the entire Town of Cambridge. In the absence of the other judges in neighboring Towns, she can hold court for them at the Town Hall in the Town of Cambridge. However, in this case if this happens the court case would immediately go to their jurisdiction because she doesn't have the position over the case in the Town of Jackson so everything the paperwork etc., would go to the Town of Jackson Carl Ackley. Town Justice was elected to serve the Town of Cambridge, and she only answers to the Office of the Court Administration, the consolidation is not meant for the court of this size, it is meant for courts that have 2 justices. Judge Carl Ackley from the Town of Jackson spoke on this matter briefly he questions what the intent of this consolidation is and he is not sure that the outcome that is being sought will take place. If you consolidate these to courts you basically will save on the cost of the building you will still have to have two separate judges. Town Justice DeCarlo was also questioning where the

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money would be saved, because the amount of activity would remain the same and also all of the Towns that were mentioned all have court on different nights..

Councilman Berndt commented on this he stated that the Wednesday before the last Town Board meeting Mr. Berndt went to the Comptrollers website and there was some cost saving ideas that were covered under two different pieces of legislation. Uniform Justice Court Act 106A, which basically says you can take two or more contiguous townships and combine those judges into one building. Another piece of legislation 106B that says the Towns can consolidate down to one judge. Councilman Berndt mentioned that he was trying to save money for the Town and if the towns wanted the Comptrollers office would punch the numbers for the towns and see if there is cost savings and there may be no cost savings at all or there may be some changes that could be made. Councilman Berndt goes on further to mention the letter that was in the Eagle the following week after the last Town Board Meeting by David DeCarlo mentioning an unknown councilman which he states was obviously himself. The conversation goes on into a heated discussion about this article, and about issues from past board meetings. Supervisor Watkins states that this is enough on this topic must move on to the next topic on the agenda.

Communications

Town Justice Janet DeCarlo read a letter written by Rani Bass about the Consolidation process of the Town Justice System.

The Supervisor asked the Town Clerk Heather Greenawalt to speak briefly on the Foil request from an irate Vermont Resident. The Town received a call from a Vermont Resident requesting information of all Town Employees this included names, positions, salaries, addresses, email addresses. The Town Clerk referred him to the Town Website and also the Organizational Resolution which is available to the public and posted outside the Town Hall on the bulletin board. The Resident stated that the Town Clerk was refusing to comply with his foil request so Supervisor Watkins talked to him and he took my email address and we haven't heard from him since. Supervisor Watkins did some research on this Vermont Resident and found out that he is a searcher. The Town Website now has the foil request form so anyone that would like to make a foil request can.

The Supervisor mentioned that he had received a letter from The Daughters of American Revolution, enclosed was a Resolution that the DAR was asking the Town Board to approve for Constitution week, which would be the week of September 17-23, 2010.

Resolution #98

Resolution by Councilman Ziehm,
Seconded by Councilwoman Fedler,

CONSTITUTION WEEK

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September 17-23, 2010

WHEREAS: September 17, 2010, marks the two hundred twenty-third anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, William H. Watkins, by virtue of the authority vested in me as Supervisor of the Town of Cambridge in the State of New York do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Vote: Aye – 5 Noes – 0

Boy Scout Project

Doug Santeramo a local Boy Scout attended the Board meeting and thanked Eric Shaw Highway Superintendent for helping him with his project of cleaning up the cemetery on the Turnpike Road. He reported that the flag pole has also been put up and trees cleared that needed to be he brought a post board with pictures of the work that he has done.

Unfinished Business

The Town Justice is putting in for a grant to update the Town Hall, Town Justice Janet DeCarlo submitted a resolution to the Town Board which reads as follows:

Resolution #99

Resolution by Councilman Davis
Seconded by Councilwoman Fedler

WHEREAS, an invitation to apply for a \$30,000.00 JCAP grant has been extended to Hon. Janet S. DeCarlo, Cambridge Town Judge, by Office of Court Administration, it is

HEREBY RESOLVED, that said invitation be approved by the Cambridge Town Board and that the Town Justice apply for the entire amount of the grant.

WHEREAS, the following improvements are proposed:

- A. Replacement of Judicial Bench and Clerk desk area
- B. Creation of Judicial chambers by creating a door within the existing closet and erecting a wall to create said chambers
- C. Security window for Clerk as well as security window for reception area
- D. Installation of security shades on the windows in the Courtroom
- E. Installation of a short wall, creating a security well in front of the bench
- F. Installation of security locks on the court room door and chambers
- G. Installation of an air conditioner in the Courtroom and replacement of the curtains
- H. Painting of the Courtroom and replacement of the curtains
- I. Purchase of new seating to replace wooden chairs in poor condition
- J. Purchase two wooden tables to be used for DA & Plaintiff and Defendants
- K. Installation of a brighter lighting in the courtroom
- L. Installation of a motion light or dusk to dawn light outside the Town Hall for the safety of the staff and public
- M. Any other changes as recommended in the OCA assessment which has not been received as of this date – but are expected

WHEREAS, the amount of \$30,000.00 will be applied for, said improvements shall, under no circumstances exceed this amount.

Vote: Ayes – 5 Noes – 0

Vly Summit Road Permit

At the August 9, 2010 Cambridge Town Board Meeting resident Kim-Scott Miller voiced his concerns of excessive speed on Vly Summit Road between County Rt. 74 and the Easton Town Line. The Supervisor looked into the situation and recommended petitioning for a change of posting of speed limit from 50 mph to 30 mph.

Resolution #100

Motioned by Councilman Davis

Seconded by Councilman Ziehm

Be It Resolved, that the Town Board of the Town of Cambridge does hereby authorize Supervisor Watkins to pursue the process for a posted reduced speed limit for Vly Summit Road between County Rt. 74 and the Easton Town Line.

Vote: Supervisor Watkins – Aye
Councilman Berndt – Aye
Councilwoman Fedler – Aye

Councilman Ziehm – Aye
Councilman Davis – Aye

New Business

Commercial Vehicle traffic in town

A letter was submitted to the Town Board by a resident Lon Berney, and two other residents had concerns of the speed that the Agricycle trucks are traveling South Cambridge road. The Supervisor stated that the roads are being overused and this will cause them to breakup. It was mentioned by Councilman Ziehm with a loaded truck the most that could be gone for speed would be 35 mph, and the roads are not being hurt that much. There was further discussion about whether it was believed the roads were being hurt or not and also whether or not they should attempt to lower the speed limit on some of the roads. Highway Superintendent Eric Shaw mentioned that they needed to take into consideration that he would have to post signs and he is only has \$1200.00 a year for signs and that is approximately 12 signs. The Supervisor has asked Alan Wrigley the Town Attorney to look into what restrictions the town can put on the roads. Danny Thomas also mentioned the town should be concerned about excessive speed of police officers in area.

Resolution #101

Motioned by Supervisor Watkins, Seconded by Councilman Berndt to table the discussion of the Limits on the Vehicles and also the weight limits.

Vote: Ayes – 5 Noes – 0

OCA Audit

Supervisor reported that the Court Administration had sent a letter requesting that an Audit be done on previous Justice Tom Armet, a copy of his report was sent along with a letter to the Unified Court System explaining to them that this estimated report was all we had on file and it was discussed at the board meeting.

Preliminary Budget

Supervisor Watkins, Councilman Fedler, Margaret Shaw Clerk to the Supervisor have been working on the budget and will possibly have a copy to the board members by next week. The Health insurance is looking like it will be an increase of 10% to 15% but this is still being worked on, the state retirement in 2009 the town paid \$13,367, this year the town will pay \$26,037 this is a 94% jump and next year it will go up even more. This jump in retirement nothing can be done about, New York State says the reason being is because of the global economic crisis. This year the rate of return Fund was a negative 26% because of the global economic crisis. The Preliminary copy of the budget is still being looked at, it is looking like there will be a .074% raise in the taxes. Councilwoman Fedler mentioned that the state mandates were held back this year but next year this will probably have to be looked at, this is uncontrollable. Councilman Ziehm asked if the figures are being kept low are we cutting short on the general funds and reserves. Supervisor Watkins stated that all of the general fund and reserves we left nothing has been cut in this section of the budget. Councilman Berndt mentioned that it was his hope that this year the budget could be put up on screen with Excel Spreadsheet so the public

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could see the tax increases and decreases. The Town Clerk will have budget by the September 30, 2010 in the office.

County Report

Supervisor Watkins reported on the new Superintendent for the county Richard Wilson, the county is in the same restraints as the town is and they are trying to keep the budget down by cutting jobs. Mr. Wilson has great expectations for the county, he knows what he is doing and is very straight forward and he is going to meet with Eric Shaw Superintendent of Highways about Plowing Roads etc..

Councilman Berndt reported on the Burn Plant. Wheelbrator the operator of the burn plant has to notify the two counties by November 1st whether they are planning to buy the burn plant for 3 million dollars or not. The two counties decide whether to put it up for sale, other alternative is if a buyer can't be found than Wheelbrator is forced to buy for a dollar. The Sales tax intercept, all the tax dollars that go to support the plant this ends in April of 2011 and a reserve fund kicks in this is something to look forward to for the county budget for next year. IDA agreed to stop the sales tax pass through in April. Councilman Berndt asked Supervisor Brown from the Town of Jackson if he had anything to add he stated that the money that will be gotten back from the burn plant has already been spent anyway. There is hope that there will be another buyer interested County Waste has expressed interest, this is another option.

Privilege of the Floor

Resident Nancy Maebus read a letter about the consolidation of the court system and submitted it for the record.

Councilman Ziehm mentioned if it should be considered when the roads were redone that they be improved by making them wider, and to take into consideration the weight depth of the roads.

Resident Danny Thomas mentioned that the Town of Cambridge has some of the best roads around.

Because our Inspector has now joined the NYS Retirement System and his hours must be reported each month a resolution must be passed. This official schedule will be posted on the official sign board, the main entrance to the office of the Clerk, or the Town Website.

Resolution #102

Motioned by Supervisor Watkins

Seconded by Councilman Berndt

BE IT RESOLVED, that the Town of Cambridge hereby amends the Standard Work Day Chart for elected and appointed officials to include the position of Fire and Building Code Inspector based on the records maintained and submitted in March of 2010;

AND BE IT FURTHER RESOLVED, that the Board of the Town of Cambridge may address and revisit the hours worked after an additional 3 month record keeping is submitted.

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Vote: Ayes – 5 Noes – 0

Audit the Bills

| | | |
|---------|------------|--------------|
| General | #152 – 173 | \$14,851.50 |
| Highway | # 83 – 104 | \$162,540.90 |

There being no further business before the Board, the meeting was moved and carried to adjournment at 10:00 PM.

Respectfully submitted,

Heather Greenawalt
Town Clerk