

Special Meeting  
January 20, 2010

At a Special Meeting of the Town Board of Cambridge, duly called and held the 20<sup>th</sup> day of January 2010, 7:30 PM at the Town Hall, the following were present:

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

Absent: Councilman Frank Ziehm

Others present: Town Clerk Heather Greenawalt, Highway Supt. Eric Shaw, Margaret Shaw, Sally Beelen Eddy, Danny Thomas, Rani Bass, Jim Buckley Scott Kellher

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.

Councilman Berndt made a comment that he had things to add to the Agenda

1. The McLaughlin Homestead is a concern of many townspeople because there seems to be debris left on the side of the road from where the house was disposed of.
2. Receipt of Article 78 Petition in Brownell Road Litigation

The Town has been served and has till the 22<sup>nd</sup> of January to respond. Councilman Berndt asked Supervisor Watkins if he received on January 4<sup>th</sup> papers, and failed to make the Town Board aware of the litigations against the Town at the January 11<sup>th</sup> meeting. Councilman Berndt handed out a copy of Article 4 Section 12, the Official Undertaking the last paragraph was the most important.

“Every official undertaking shall be obligatory and in force so long as the officer shall continue to act as such and until his successor shall be appointed and duly qualified, and until the conditions of the undertaking shall have been fully performed. When an official undertaking is renewed pursuant to law the sureties upon the former undertaking shall not be liable for any official act done or moneys received after the due execution, approval and filing of the new undertaking.”

Councilman Berndt refers to this paragraph and states that Mr. Wrigley is still our Town Attorney unless a letter of resignation has been received. The 26<sup>th</sup> of January an Attorney needs to represent the Town of Cambridge and respond to this litigation against the Town. Councilman Berndt states that because the Town has not appointed an Attorney, that Mr. Wrigley should represent the Town because of his knowledge of the case and ask for an adjournment.

Scott Kellher a member of the community was present and his question was if Mr. Wrigley is aware of the suit and was part of the suit should he really be representing the town? The Town Supervisor should be able to walk in on January 26<sup>th</sup> explain that the Town of Cambridge has had change, a new board and have tabled hiring an Attorney until the February meeting and ask for an adjournment or 30 day continuance.

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Resolution # 15

Councilman Berndt motioned, Seconded by Councilman Davis, to table the discussion of appointing another Attorney till the February 8<sup>th</sup> Town Board Meeting.

Vote:           Aye – 3           Noes – 1

Councilwoman Fedler stated that someone from the Town Board should attend on January 26<sup>th</sup> and this will give the Town Board time to look for a lawyer and bring in resume and vote for the appointment at the February meeting.

Councilman Berndt believes that the Supervisor has a conflict of interest. Mr. Kellher steps in and states that if no one shows up on the 26<sup>th</sup> of January that there will be a default. Supervisor Watkins should attend on the 26<sup>th</sup> and ask for the 30 day continuance.

Councilwoman Fedler motioned, Seconded by Councilman Berndt, that Supervisor Watkins represent the Town of Cambridge, at a Special Term, to be held in and for the County of Washington, at the Courthouse in Warren County at 1340 State RT 9 in the Town of Lake George, New York, on the 26<sup>th</sup> day of January 2010 at 11:00 o'clock in the forenoon of the day. Councilman Berndt did ad that a call to the Clerk to the Court by telephone to request extension of 30 days may be possible.

Vote:           Aye – 4           Noes – 0

Resolution # 15

Supervisor Watkins motioned, seconded by Councilman Berndt,

Whereas, pursuant to the provisions of Section 29 (10-a) of Town Law, the Town Board of the Town of Cambridge may determine, by resolution, that the supervisor, in lieu of preparing the annual financial report required by Section 29 (10) of Town Law, shall submit to the town clerk, within the time period prescribed in Section 30 of the General Municipal Law, a copy of the report to the state comptroller required by Section 30 of the General Municipal Law,

Now, therefore, be it resolved, that the Town Board of the Town of Cambridge hereby agrees to accept said copy of the report to the state comptroller in lieu of the said annual financial report.

Vote: Supervisor William Watkins – Aye  
Councilman Ted Berndt – Aye  
Councilman Alan Davis – Aye  
Councilman Franklin Ziehm – Absent  
Councilwoman Catherine Fedler – Aye

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Resolution # 16

Supervisor Watkins motioned, seconded by Councilman Berndt,

Whereas, pursuant to the provisions of Section 11 (2) of the Public Officers Law, the Town Board of the Town of Cambridge may approve the procurement of blanket undertaking from any duly authorized corporate surety covering the officers, clerks and employees of the town to satisfy the requirements of Section 25 of Town Law,

Now, therefore, be it resolved, that the Town Board of the Town of Cambridge hereby approves the Public Officials' Liability Policy provided by NYMIR for the period from 23 February 2009 to be renewed annually in amount of \$1 million per claim and \$2 million aggregate annually, except that land use liability is limited to \$1 million aggregate annually, in satisfaction of the aforesaid requirements.

Vote: Supervisor Watkins – Aye  
Councilman Ted Berndt – Aye  
Councilman Alan Davis – Aye  
Councilwoman Catherine Fedler – Aye  
Councilman Franklin Ziehm – Absent

Former Board requested Audit of Books, Margaret Shaw stated that someone look at the books today January 20<sup>th</sup> 2010 from Audit and Control and they said that there was no reason for a formal Audit unless the Supervisor requests it.

The Town Board looked at both Clerk to the Supervisor Margaret Shaw and Sally Beelen Eddy's Town Clerk books for Auditing purposes. They did not sign off on them tonight, Margaret Shaw will be bringing her books to the Town Hall on January 27, 2010 so that the Town Board can look at them in more detail. At the February 8<sup>th</sup> meeting 2010 the books will then be signed.

Councilman Berndt has requested that at the next Board meeting the Procurement, Investment, Sexual Harassment, Equal Employment Opportunity Policies and the Code of Ethics be reviewed. In March and April the Wood Boiler and other forms need to be updated on the website.

Margaret Shaw clerk to the Supervisor stated that some adjustments have been made in the Budget Report for December 31<sup>st</sup> 2009. On page 5 line DA 522 (Expenditures) column 3 has changed to \$189,536.89. The DA600 (Accounts Payable) has changed to \$247.25 also in column 3 page 5. Also on page 5 the Reserved Fund will be \$135,107.04, and DA909 (Fund Balance unreserved) has changed to \$95,378.83. On page 6 code number DA 5142.4 the Snow Removal Contractual in the second column has change to \$70,152.96 and in the 3<sup>rd</sup> column the balance is \$11,847.04.

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Councilman Berndt wanted to add that on February 4<sup>th</sup> at the Joint Meeting of the Planning Board and Town Board the High Speed Internet Committee would meet prior to these meetings at 6:30 PM.

Resolution #17

Councilman Berndt motioned, Seconded by Councilwoman Fedler that we continue to advertise for the Sole Assessor of the Town of Cambridge, however this time in the ad we include the Salary.

Vote: Aye – 4

Noes – 0

Resolution #18

Councilman Davis motioned, Seconded by Supervisor Watkins, that the estimate for repair submitted by the Highway Superintendent Eric Shaw for the NH LW130A loader be accepted for the amount of \$5,000 for repairs.

Vote: Aye – 4

Noes – 0

There being no further business before the Board, the meeting was moved and carried to adjournment at 10:30 PM.

Respectfully submitted,

Heather A. Greenawalt  
Town Clerk