

Town Board Meeting
July 12, 2010

At the Regular Meeting of the Town Board of the Town of Cambridge, duly called and held the 12th day of June 2010, 7:30 PM at the Town Hall, the following were present:

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

Others Present: Town Clerk Heather Greenawalt, Code Enforcement LaVerne Davis, Mr. & Mrs. Weeks, Astrid Davis, ~~Jimmy Stannard, Terry Hamilton, Dick Battistoni, Bob Odess,~~ Henry Peabody, Scott Keller, Sandy Niles, Ernest Trinkle, Rani Bass, Gerald Skiff, Brian English, David Craven, Butch Hoyt

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

Resolution #73

Councilwoman Fedler motioned, Seconded by Councilman Davis to approve the minutes from the June 14, 2010 Town Board Meeting with no corrections.

Items to be Added

1. Councilwoman Fedler would like to add after Attorney Alan Wrigley discussion of adding a curfew to the meeting.
2. Councilman Davis added the discussion of the Truck that was up for auction on the internet.
3. Councilman Berndt requested to add Rules of Procedure at the top of the agenda to discuss immediately.

Resolution #74

Councilman Berndt motioned, Seconded by Councilman Ziehm that this Resolution Adopting Rules of order for the Town Board be moved to the top of the agenda before the Supervisors Report.

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

The request was denied and the item was added after Mr. Wrigley and after Councilwoman Fedler's discussion of a curfew for the Town Board Meeting.

Supervisor's Report

Resolution #75

Councilman Davis motioned, Seconded by Councilwoman Fedler to approve the Supervisor's report for June 2010.

Vote: Aye – 5 Noes – 0

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Update on Culvert

The Supervisor made everyone aware that they were working on acquiring the permit from DEC. Everything is still on schedule for the end of July or the beginning of August, the road will be closed for 3 to 4 days on South Union. Councilman Berndt had some concerns that he brought up such as he had not seen any documentation on the project. Councilman Berndt stated that he doesn't believe that they have met the minimum threshold for good project management as far as what resources the budget the time line and the scope. Councilman Berndt requested this information before they move forward. The Supervisor assured him that he would get him some documentation. Councilman Berndt also was concerned whether or not the new culvert would change the Flood Zoning for the folks that were affected. Supervisor Watkins stated that this should change the Flood Plain insurance for those folks. The Culvert that was purchased will take care of a 50 year flood. It was the hope that it would have some benefits for Linda Record and Tommy McLean who has been affected the most by the flood plain insurance.

Attorney – D. Alan Wrigley, Esq.

Alan Wrigley the Town Attorney attended the meeting to answer any questions about the abandonment of the town lanes. Mr. Wrigley explained the process of giving the lanes back to the land owners and how it was a long process which would benefit the land owner. He explained that any lane that was traveled by 2 or less vehicles a day was considered a candidate for abandonment. However, the county must also do a study with a hose that goes across the lane to count the cars that travel every day, this is left there for approximately 30 days and shows how many times the lane is traveled daily. If within this allotted time the lane doesn't meet the requirements a public hearing is called within the appropriate time allowing the public 20 days notice. Some of the lane owners were present and chose to speak on their behalf. One questioned if the lane could remain on the list and the town only plow when it was absolutely necessary. Alan Wrigley stated that the excessive maintenance is done because the Town legally has to maintain that way because of insurance purposes. Councilwoman Fedler explained that no decisions were being made tonight that as Mr. Wrigley stated this is a long process and this is just a start to see if their were questions from the lane owners. The Supervisor also brought to the lane owners attention that if they continued to receive these services from the town that the town could assess the services that the landowner was receiving from the town, because these tax payers are getting a service that no one else is getting from the town.

Curfew for the Town Board Meeting

Councilwoman Fedler said that the new Town Board has been meeting now for six months and she felt that it has been long enough and now some changes need to be made. Her intention is not to exclude anyone from the meeting however her suggestion is that the Town Board consider setting a curfew for the meeting, she is on a couple of boards that use this technique. Councilman Berndt voiced his opinion and questioned what would happen if the meeting was not finished does that mean that another meeting is scheduled? Councilman Davis stated that yes we needed to shorten the meeting but also still hear what the public had to say. Councilman Berndt read a part of the Town Law Section 4.5 that stated that the Public did not have to be involved in the meeting. There was a heated discussion between the board on how to resolve this situation. Councilwoman Fedler

motioned that the Town Board adopt a 10:00 PM curfew for the Town Board Meetings with a 2 minute limit on speaking for the public. Councilman Ziehm stated that the Board definitely needed to adopt some rules of order, however he had never been in a meeting that has been free lance open floor. Councilman Davis seconded the motion but would like to add that they try this curfew for 2 months, he wants to hear what the public has to say. Councilman Berndt also said that he would like to amend the resolution, he read from a 8 page handout that read Adopting Rules of the Town Board of the Town of Cambridge which was taken from the Town Law Section 63. His amendments that he wanted to add included 1.) All remarks are addressed to the Town Board as a body and not a member. 2.) Courtesy, Decorum and good taste be used from any person that is speaking to the Town Board 3.) Any person speaking to the Board addresses the Board and not a member of the audience. 4.) Residents limit speaking to 2 minutes unless extended courtesy of the Supervisor or the Town Board 5.) Interested parties can address Town Board with written communications, however this shall be delivered to the clerk, and speaker will not read verbatim but will summarize the comments. Councilwoman Fedler said that this handout was too involved and said that it could be put in words that were easier to understand. So Councilwoman Fedler rescinded her original motion and made a new motion.

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Resolution #76

Councilwoman Fedler motioned, Seconded by Councilman Davis to have a 10:00 PM curfew for the Town Board Meetings with a trial period of 2 months, and including the following rules directed towards the public, a 2 minute limit for speakers in audience, all questions by the public must be directed to the Supervisor, no personal attacks may be made on the board members, no side comments or discussion in the audience while meeting is in session.

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

The resolution was passed with a vote by the Town Board of 3 to 2.

Councilman Berndt was given his chance to present his Rules of Procedures. However, Councilwoman Fedler did mention that it was to late the Resolution was already passed. Councilman Berndt did mention that he was not happy with the decision he feels that the Town Board needs some Rules and Procedures however, this is only for a period of 2 months for a trial period. Councilman Ziehm questioned that didn't the Town have to have rules of procedures. The Town Attorney Alan Wrigley mentioned that the Town Board could adopt what they wanted for rules of procedure.

Town Board

Councilman Berndt reported for the High Speed Internet Committee that commitment from Assemblyman Jordon's office and Congressman's Murphy's office signed off on the two letters to the director's of Verizon. They are still waiting to hear back from Senator Gillibrand and Senator Little's office for confirmation the letters have been sent.

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Councilman Berndt also reported that the June Volunteer Recognition Month for 2010 has been completed, the Town Board recognized over 300 individuals and 14 organizations who give of their time and effort as volunteers in the Cambridge Community. The project came in under budget with an expense of \$46.21 for certificates and ink cartridge.

Town Clerk
no report

Planning Board Report

In the absence of Sally Eddy, clerk to the Planning Board, Town Clerk Heather Greenawalt read the report for the Planning Board Meeting Held on July 1, 2010 at the Town Hall with 4 members present and 2 people from the public. One member showed interest in attending the Planning and Zoning Seminar to be held in Albany, NY on July 14th. Most of the night was spent reviewing the first 9 pages of the current subdivision rules and regulations. Suggestions were made to add certain wording and items to some sections and in some cases eliminate unnecessary wording. However, no formal vote was enacted to change any of it until more members are present. At a future date, when the review is completed, the changes will be presented to the Town Board. There were no subdivision requests for the board to consider.

Highway Superintendent Report

In the absence of Eric Shaw Highway Superintendent, Councilwoman Fedler read the Highway Superintendent's Report. The majority of the month was spent cutting brush and ditching. The cemeteries were mowed before the holiday. MSHA required annual CPR and First Aid refresher training was taken by the crew and Highway Superintendent. While we were shut down for vacation, the tractor was repaired by Hudson River Tractor Company. It needed a water pump, the hydraulic pump repaired and a new wheel dish. On Old Coila Road repairs were made to the guard rails and they blacktopped over the existing culvert. After receiving the final approved permit from DEC for the South Union Bridge project, the Army Corps of Engineers stepped in. They put the project on hold until their office approves all aspects of the work to be done. After talking with them, the possible changes that will be required will make the \$35,000 in the Bridge account insufficient to cover all the costs. We will be alright unless the changes are major because Highway Superintendent Eric Shaw has saved enough in his DB expenses to cover any reasonable changes that the ACOE might make to the project.

A concerned citizen asked to speak, Terry Hamilton made the Town Board aware that guard rails were needed on the corner of Darwin Road and Rt. 74 because brush was removed there and now there was nothing to stop someone from going over into the culvert.

Code Enforcement

There was an incident on Duell Hollow Rd. back in the lane a concern on burning they had a burn pile with things in it that should not be burned. They were told to remove the things that should not be burned, only the wood and brush could be burned, and county control must be called and tell them that you want to do a controlled burn. LaVerne Davis was later informed that they did not do any of that. Questions were asked from the public about

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controlled burns and what the rules are. Councilman Berndt made the public aware that DEC has a website that says what the rules are for burning, and they have a time period of when you can burn which is May 15th – March 15th limitations are that wood be 8ft or less. Fire Control must be called before the fire is ignited and called when the fire is done burning. The number for fire control is 746-2126 this is on the town website and will take you to the rules and regulations.

Communications – Lawyer

Judge Krogmann who is residing over the litigations against the Town of Cambridge has told the Town to decide on a lawyer because he is ready to answer the claim. Supervisor made everyone aware that another bill was received from Tully & Rinckey for \$25.00. Councilwoman Fedler questioned this because the Town Board had not yet decided on what firm to go with. The Town Justice Janet DeCarlo stated that the minutes from the past meeting should be looked at because the Town did not actually hire Deily, Mooney, Glasstetter, they hired Mr. Douglas Rose. Councilman Berndt had suggested that The Town Board go into Executive Session however Councilwoman Fedler said she did not think that they could do this because they are not discussing strategy they are only hiring a lawyer. So Councilwoman Fedler stated the Town Board needs to make a decision on firm they are going to choose to represent the Town.

Resolution #77

Councilwoman Fedler motioned, Seconded by Councilman Davis to rescind the motion made in February 11, 2010 Resolution #30 to hire Douglas Rose, which would mean that the relationship with Mr. Douglas Rose and the Town of Cambridge has been severed.

Vote: Aye – 5 Noes – 0

Resolution #78

Councilman Berndt motioned, Seconded by Supervisor Watkins to go with the firm of Deily, Mooney, Glasstetter to represent the Town against the litigations pertaining to Brownell Rd property.

Vote: Aye – 5 Noes – 0

The \$100.00 that was billed to the Town by Mr. Douglas Rose for the Transfer of Records was in question because the Town Board had not yet made a decision of who to hire to represent for the Town. It was determined that this would be looked into further before the bill was submitted for payment.

Councilwoman Fedler requested to add to communications discussion about the Town Paper she requested a resolution be passed, the Eagle only accept information from the Town Clerk Heather Greenawalt, or what the Town Board has approved to be sent to the Eagle.

Resolution #79

Councilwoman Fedler motioned, Seconded by Councilman Davis that only the Town Clerk has the authorization to send information to the Eagle to be published, unless the Board votes

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to put something in the paper or the Supervisor requests his monthly topic published for the Town Board Meeting.

Vote: Aye – 5 Noes – 0

This was brought up because of a concern from Town Clerk of information that was emailed to her and to the Eagle from a Town Board member. Councilman Berndt stated that he understood how this was a misunderstanding and his purpose of the email was to have the town website placed in all Public Notices.

Resolution #80

Councilman Berndt motioned, Seconded by Supervisor Watkins that all Public Notices have the link to the Towns official website.

Vote: Aye – 5 Noes – 0

Unfinished Business

Computer Internet Usage Policy

Supervisor Watkins questioned Councilman Berndt if he had the Computer Policy, he stated yes and everyone has received a copy. The Town Justice Janet DeCarlo wanted to make everyone aware that the computer on her bench and the court clerk bench are not the property of the Town they are the property of the Office of Court Administration and therefore they do not fall under this policy. Councilman Berndt requested if it was possible the Town Justice Janet DeCarlo submit a copy of this computer policy to the Town Board.

Resolution #81

Supervisor Watkins motioned, Seconded by Councilwoman Fedler to accept the County Internet Usage Policy, for the Town of Cambridge computer usage policy.

Vote: Aye – 5 Noes – 0

Approval of Retirement Calendars

Resolution #82

Supervisor Watkins motioned,

Seconded by Councilman Davis,

BE IT RESOLVED, that the Town of Cambridge hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Vote: Aye – 5 Noes – 0

Shown in the minutes is a chart of the hours recorded for retirement purposes. The official Standard Work Day and Reporting Resolution will be posted on the Town Bulletin Board and Town Website for 30 days.

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Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/ Month (based on Record of Activities)
Elected Officials							
Town Clerk	Heather Greenawalt	5939	43361955	6	1/1/10-12/31/11	N	20 (10/biwk PR)
Highway Superintendent	Eric M. Shaw	8561	13984992	8	1/1/10-12/31/11	N	20 (10/biwk PR)
Appointed Officials							
Dpty. Town Clerk	Sally Eddy	7482	35258573 (Retired 5/1/10)	6	1/1/10-12/31/11	N	Per diem
Clerk to Justice	Karen Drost	4501	39019294	6	1/1/10-12/31/10	N	2.36
Registrar	Heather Greenawalt	5939	43361955	6	1/1/10-12/31/10	N	.50
Dog Control	Edward Holland	6386	40888190	6	1/1/10-12/31/10-	N	6.69
Dog Control	Nancy Quell	9993	40888208	6	1/1/10-12/31/10	N	6.66
Clerk to Supervisor	Margaret Shaw	0081	36109882	6	1/1/10-12/31/10	N	11.8

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Town Justice Report

The Town Justice Janet DeCarlo submitted to the Town Board a report of all the activity that has occurred for the first six months of her term. Town Justice Janet DeCarlo has been very busy the past six months with mandatory schooling and many, many Web Casts that she had to attend. Each year, she must have twelve credits of continuing education. She has reported that she is almost there for 2010. The Town Justice did mention when the budget is prepared this year, everyone will notice some changes due to partial automation. These are necessary expenses that are essential to the operation of the Court. Town Justice Janet DeCarlo went over the paper work that she handed out to the Town Board which included the Finances reported from 1/1/2010 to 6/30/2010 and the filings till 6/30/2010 which included 4 Small Claims Petitions, 25 Vehicle & Traffic, 37 Criminal. The Town Supervisor asked the Town Justice how much of that money the Town of Cambridge gets back. The Town Justice stated that she asked the same question at the Seminars and they told her that she is in the Town of Cambridge to do Justice that she does not need to know where the money goes. Councilman Berndt inquired if there was any movement in the Justice system to consolidate courts between the Towns and Villages? She said yes there is a movement to consolidate but if this happens it would be one Town of Cambridge court the village would combine into the Town. Councilman Berndt also asked if there were any updates on the break-in at the Town Hall. Town Justice reported that they never found any evidence of a break-in they checked the windows and doors, trooper Saunders suggested that it must be someone that had a key. The Town Justice also requested permission from the Town Board to hire an officer for the 3rd Tuesday on District Attorney night for security purposes, she suggested Gary Ackley who is a security officer be hired at \$11.00 per hour. Councilman Berndt had suggested that the

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budget be looked at first to see where we stand, and to discuss this with Margaret Shaw Clerk to the Supervisor. It was discussed further and thought to be a good idea to go ahead and give the Town Justice approval because of past incidents in the Court within the last few months.

Resolution #83

Councilman Davis motioned, Seconded by Councilman Ziehm to give the Town Justice Janet DeCarlo the authorization to hire Mr. Ackley a security officer for the 3rd Tuesday of the month which is DA Night that usually averages 3hrs total at the cost of \$11.00 per hour.

Vote:

Aye – 5 Noes – 0
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County Report

Supervisor Watkins reported the county is still looking for a replacement for Mr. Grimke there are six possible applicants.

Approval of the Quarterly Report

Resolution #84

Councilman Berndt motioned, Seconded by Councilman Davis to approve the Quarterly Budget Report.

Vote:

Aye – 5

Noes – 0

Update of the Sale of the Town Truck

Councilman Davis reported that the Truck and Sander have both been sold. The International Truck sold for \$8,100 and the Sander unit sold \$6,000.

Resolution #85

Councilman Davis motioned, Seconded by Supervisor Watkins to accept the bids of \$8,100 for the International Dump Truck and \$6,000 for the Sander unit.

Vote:

Aye – 5

Noes – 0

Last meeting the question was asked by Ralph Rossi about going back to appointment of three assessors. Supervisor Watkins made everyone aware that Jeffry Jackson had sent information to the Board about the rules of changing to a sole assessor. Once the town votes to go to a sole assessor they can not go back. It was about 5 years ago it was put on a ballot to be voted on to have a sole assessor for the Town of Cambridge and it passed.

Councilwoman Fedler mentioned that information was received about a possible grant that would pertain to Frank & Nicole Klebieko who are the new owners of the old Mary McClellan Hospital. The information was collected and the application was faxed back to Washington County Home for Aged Women, Inc., this grant was for any charitable, non-governmental organizations and the organization must provide benefits to elderly Washington county residents.

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Councilman Berndt Announced that the Employee appreciation Luncheon was postponed because some employees were not coming and Highway department was paving. When it is rescheduled it will also be put in the paper to make it public knowledge, it is possible it will be set for some time in August or even after Labor Day.

Privilege of the Floor

Suggestion was made to the board that a letter is sent to Tully & Rinckey about the termination of Douglas Rose as representative of the litigations against the Town of Cambridge concerning the ~~Brownell Rd. Property~~. The Supervisor stated that we have a letter that will be sent to Mr. Rose about the decision of the Town Board concerning this matter.

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Robbie McIntosh came late to the Meeting and updated everyone about a meeting he just attended about Solid Waste Management Plan. It was about how solid waste could be made easy for the public to handle. He encourages everyone to use the transfer station more, he emphasized about how important it is to recycle.

Councilman Ziehm questioned the bill that came from Soil and Water this was pertaining to land owned by Tony Brower that used to be an old gravel bed that was used by the town and now it must be reclaimed back for Agricultural purposes. In order to do this it must meet certain standards Soil and Water are testing it to see if it can grow a crop.

Audit the Bills

General #117 – 136	\$10,307.44
Highway #59 – 71	\$ 3,756.95

There being no further business before the Board, the meeting was moved and carried to adjournment at 9:30 PM.

Respectfully submitted,

Heather Greenawalt
Town Clerk