

Town Board Meeting  
February 11, 2013

At the Regular Meeting of the Town of Cambridge, duly called and held the 11<sup>th</sup> day of February, 7:00 PM at the Town Hall, the following were present:

Supervisor William Watkins  
Councilman Gerald Skiff  
Councilman Robin McMurray  
Councilman Douglas Ford

Councilwoman Fedler was absent due to illness.

Others present: Town Clerk Heather Greenawalt, Elton Balch, Terry Hamilton, Eric Shaw, Margaret Shaw Clerk to the Supervisor, Linda Burgoyne, Robert Hamilton, Janet DeCarlo Town Justice, Alan Davis Highway Superintendent, Robbie McIntosh, Rani Bass, Leon Barkley, Lillian Herrington, Don Herrington, Ashleigh Morris from the Eagle, James Morris, Sue Herrington, Laurie Hopper, Scott Keller Town Attorney

Auditing of the Books

General	#13 – 40	\$ 7,001.24
Highway	#12 – 28	\$39,375.71

Supervisor Watkins called the meeting to order at 7:40 PM and immediately led in the Pledge Allegiance to the Flag.

Approving of the Minutes

Resolution #8

Councilman Ford motioned, Seconded by Councilman McMurray to approve the minutes from the January 7, 2013 Town Board Meeting as mailed.

Vote: Ayes – 4                      Noes – 0

Supervisor's Report

Resolution #9

Councilman McMurray motioned, Seconded by Councilman Ford to approve the Supervisor's report from January 2013.

Vote: Ayes – 4                      Noes – 0

Supervisor Watkins thanked Leon Barkley for stepping forward and taking on the 4 year appointment on the County Ethics Committee. The Supervisor asked Mr. Barkley how many houses that he had for sale in the Town of Cambridge. Mr. Barkley stated that he had approximately 18-20 houses for sale. The Supervisor wanted to know if he was seeing any movement in comparison with the last few years. He said yes definitely and also LaVerne Davis Code Enforcement said that there was 4 new houses last year and 2 this year.

The Supervisor mentioned that there were three resolutions that needed to be read and considered. Town Clerk Heather Greenawalt read the resolutions.

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New York SAFE Act  
Resolution #10

TITLE: In Opposition to the Manner of Passage of the New York SAFE Act and the Use of Messages of Necessity

WHEREAS, The New York State Constitution requires a three-day waiting period between the introduction of any legislation and the vote on it but a special clause allows the Governor, in the event of an emergency, to issue a "message of necessity" suspending the three-day waiting period; and

WHEREAS, the Senate and Assembly, utilizing a message of necessity from the Governor, passed the New York Secure Ammunition and Firearms Enforcement (SAFE) Act without debate or an opportunity for the public comment; and

WHEREAS, despite the message of necessity, of 56 sections in the bill, 51 won't be effective for 60 days, several not for a year, and just two were immediate; and

WHEREAS, the message of necessity has become an increasingly used method for Governors and the legislature to disregard the requirements of the law requiring time to debate legislation; and

WHEREAS, while Governor Cuomo used the message of necessity 34 times during his tenure as governor in 2011 and 2012, compared to 57 times in 2010 alone, he has still used such messages to foreclose debate on controversial issues such as Marriage Equality bill in 2011; and

WHEREAS, a 2004 report by the Brennan Center for Justice found that 27 percent of all major legislation passed issued from a message of necessity and from 1997 through 2001, 95.5% of the major legislation in the Assembly and 95.1% in the Senate were passed without any debate; and

WHEREAS, a message of necessity from the Governor does not require the legislature to immediately vote on a bill, it simply allows them to bypass the three day waiting period; and

WHEREAS, representative democracy demands that both citizens and their legislators have a full and fair opportunity to inform themselves about the purpose and content of proposed legislation in order to fully research and debate the issue presented; and

WHEREAS, Whatever the viewpoint on the merits of a particular issue, all citizens should agree that a full and fair debate of issues can only lead to better legislation; and

WHEREAS, the state of Connecticut, in which the Newtown shooting occurred, has chosen the path of reasoned research and debate by conducting public hearings before taking action; and

WHEREAS, groups such as the NY State Sheriff's Association and New York State Association of County Clerks have pointed out numerous difficulties and issues with the NY SAFE Act that would have been avoided had the public and relevant organizations been allowed to comment and assist in the drafting of this legislation; and

WHEREAS, local governments also have an emergency message option, but that is tempered by the need for a two third majority to pass legislation introduced pursuant to an emergency message; and

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WHEREAS, this legislation also results in additional unfunded mandates upon local governments in a time of extreme financial pressure; and now therefore be it

RESOLVED, that the Town of Cambridge condemns the use of a message of necessity to pass the New York SAFE Act; and be it further

RESOLVED, that the Town of Cambridge further call upon the Governor and legislative leaders to drastically reduce the use of the message of necessity to those truly emergent occasions for which it was intended; and be it further

RESOLVED, that a copy of this resolution be sent to State Senator Elizabeth Little.

Supervisor Watkins requested a motion to adopt this resolution.

Councilman Ford motioned,

Seconded by Councilman McMurray,

That the Town of Cambridge, Town Board support the Opposition to the Manner of Passage of the New York SAFE Act and the Use of Messages of Necessity Resolution.

Vote:           Ayes – 4                   Noes – 0

Supervisor Watkins mentioned that the Support of the Cambridge Town Board was requested by resident Ken Denberg of the Town of Cambridge. Ken Denberg has a Winery on Darwin Road in the Town of Cambridge and he feels that the support of the Cambridge Town Board would help tourism throughout the Town of Cambridge and the County.

Upper Hudson Valley Wine Trail

Resolution #11

Councilman McMurray motioned,

Seconded by Councilman Ford,

For the Town of Cambridge Town Board to Support Designation of the Upper Hudson Valley Wine Trail

WHEREAS, Agriculture is an integral and important part of the culture and economy of the Town of Cambridge, and;

WHEREAS, Growing of wine grapes and production of local wines is a recent and expanding addition to agriculture in the Town of Cambridge and has the potential to enhance agricultural economic development and tourism, and;

WHEREAS, Expanding local grape growing and winemaking and creating opportunities for additional related businesses would foster sustainable economic development in our area, and;

WHEREAS, Expansion of the local winemaking sector of our agricultural economy would also benefit other businesses such as cheese-makers, vegetable growers, meat producers, maple producers, restaurants, and breakfasts, hotels, and others; and

WHEREAS, Establishment of an official, New York State designated wine trail in our area would help local grape growers, winemakers, chambers of commerce and local governments to promote and market locally produced wines, and;

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WHEREAS, The Upper Hudson Valley Wine and Grape Association is taking the lead to designate the Upper Hudson Valley Wine Trail by working with our local governments and elected New York State legislators;

NOW, THEREFORE BE IT RESOLVED, that the Cambridge Town Board strongly supports the official designation of the Upper Hudson Valley Wine Trail, including any portion thereof that may be located on Town of Cambridge roadways, and

BE IT FURTHER RESOLVED, that the Cambridge Town Board encourages our New York State legislators, to work with the Upper Hudson Valley Wine and Grape Association to introduce and pass legislation to officially designate the Upper Hudson Valley Wine Trail.

Vote:                   Ayes – 4                   Noes – 0

The Supervisor made everyone aware of the Historic Hudson-Hoosic Rivers Partnership and that they were an informational gathering group that meets once a month at the Saratoga Town Hall. He said that there is no charge to be a member of this group. Town Clerk Heather Greenawalt read the resolution.

Historic Hudson-Hoosic Rivers Partnership

Resolution #12

Councilman Ford motioned,

Seconded by Councilman Skiff,

Appointment of the Supervisor of the Town of Cambridge as a voting member of the Historic Hudson-Hoosic Rivers Partnership

Whereas, Article 42 the New York State Environmental Conservation law establishes the Historic Hudson-Hoosic Rivers Partnership, formerly the Historic Saratoga-Washington on the Hudson Partnership, as a body corporate and public and invites the Supervisor of the Town of Cambridge to become a member of the Partnership, and

Whereas, the local legislative body of the Town finds that participation in the Partnership with other municipalities in Saratoga, Washington, and Rensselaer Counties with regard to matters of common interest including management of historic, natural, scenic, and recreational resources and economic development will be in the public interest of the Town, and now,

Therefore, the Town of Cambridge hereby resolves that the Supervisor of the Town of Cambridge is hereby authorized to become a member of the Historic Hudson-Hoosic Rivers Partnership.

Vote:                   Ayes – 4                   Noes – 0

Criminal Cases

Supervisor Watkins made everyone aware that there was a small problem with the previous courts record keeping. The FBI has contacted the Supervisor and the Town Justice DeCarlo and an investigator of the New York State troopers has addressed this

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issue. The previous judge had a problem with his paperwork and over 100 documents were missing. Some cases people were accused of felonies and were supposed to be brought down to a misdemeanor. The Town Justice spoke and said that they were adjourned in contemplation of dismissal and dismissed after six months. Then after that the case should have been sealed. The gentleman that this pertains to joined the Marine Corps, he was sworn in and later they found that he had a felony. He is going through hell because of the incorrect procedure used to seal this case. In the spring the Town Justice would like to hire someone per diem to go through the cases. This will tell her if there are any other indictments that have not been sealed. The Town Supervisor asked the Town Attorney what the repercussions of this could be. The Town Attorney Mr. Keller said that obviously this young gentleman has been greatly affected by this. Mr. Keller said that it would depend on the action that the person decided to take against the Town. He mentioned that the Town Insurance Company should be notified. He mentioned that they may know a proactive way to deal with this.

Assessor's Report

The Supervisor mentioned that Veterans, Ag and Star exemptions must be in by March 1, 2013,

Town Clerk

The Town Clerk Heather Greenawalt reported that as of January 31, 2013 \$1,327,051.78 has been collected in Town and County taxes. The amount that is still to be collected in taxes is \$494,089.94.

Town Board

The Town Board members had nothing to report

Highway Superintendent Report

Highway Superintendent Alan Davis reported that the highwaymen plowed and sanded several nuisance storms as well as a couple small snowstorms. Maintenance has been done on the trucks between the snowstorms. The tires have been replaced on the loader. They have also replaced the cab mounts and muffler and 4 hydraulic lines on Truck 4. On truck #5 they replaced broken springs and broken rear hub and pilot hub. The trees have been trimmed across from the shop to help with the visibility coming off County Rt. 60. Truck #3 is finally running well again.

Planning Board Report

The Planning Board held their regular monthly meeting, Thursday, February 7, 2013, 7:30 PM at the Town Hall. There were six members present along with the Supervisor Watkins.

The following items were addressed:

1. New member Bob Hamilton was welcomed by the board.
2. A special note will be sent to Charlotte Banzhaf recognizing her many years of faithful service to the planning board.

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3. The next planning board meeting has been changed to the second Thursday in March which is the 14<sup>th</sup>.
4. Chairman Eric Pearson has contacted John Pedersen, from the Town of Jackson and a member of the Washington County Planning Board, to see if he would be willing to come to the Cambridge planning board to share his knowledge about planning issues. He agreed and the board has tentatively scheduled him to speak at the next meeting on March 14, 2013. The meeting will be advertised inviting the public. Mr. Pedersen has asked that anyone with questions e-mail them to him in advance of the meeting so he can procure the essential documentation necessary to support his answers. His email is [Trygve.51@aol.com](mailto:Trygve.51@aol.com).
5. Chairman Eric Pearson commented he received two phone calls in the past month from people asking questions about town regulations. The call from a New York person inquired about zoning and site plan. The Pennsylvania call was from a builder of cell phone towers. Mr. Pearson stated he referred calls to the Supervisor. Discussion then followed between the board and Supervisor Watkins about the need for cell phone towers and should the town be thinking about instituting regulations to govern them.
6. Jerry Moppert will review the 2012 data from the Code Enforcement Department and the Assessor's Office at a future meeting because all the information, as yet, has not been received.

#### Code Enforcement

Code Enforcement Officer LaVerne Davis has submitted the 2012 yearly report. The following was reported: 4 new homes, 4 certificate of occupancy, 2 temporary certificate of occupancy, 7 septic systems, 2 additions, 1 deck, 2 pools, 3 storage, 1 outdoor furnace, 9 meetings with contractors, 10 court, 6 file searches, 4 assessor, 10 days of school, 108 inspections, 56 phone calls, 462 man hours, 2395 miles traveled. There were other miscellaneous things that were attended to 2 fires, 12 lot and septic site inspections (advice), and 2 remedy violations. LaVerne Davis has two classes yet and then he will be finished with his schooling.

#### Communications

Supervisor Watkins mentioned the calls that he received about putting cell towers in the Town of Cambridge. It is not certain yet where the cell towers will be put up. The gentleman from New York is a small town developer; the Supervisor told him that this is a small town with an agricultural community with some areas that have access to internet.

#### Unfinished Business

The Supervisor spoke with the lady from Ag & Markets and she will be giving the information to the Town Attorney about who is responsible for the dogs in the village. The village has one idea, and the town has another so the Town Attorney will look at the information and figure how the town will move forward with this.

County Report

The County is not exactly sure what is going on with PVI. The healthcare program it sounds like that will be sold within the next month. The transfer stations there will be a five year contract with the option to buy them. The plan is to keep the county employees on staff with them.

Public input of Paving of the Town Roads

Highway Superintendent Alan Davis mentioned that he was looking for suggestions as to which roads needed to be paved in the town. The Highway Superintendent mentioned that no more dirt roads would be taken over; dirt roads will stay dirt roads. When the weather is good in May or June tentatively it has been set up to do the end of Edie Road and some more on Gannon Road, the top of Kenyon is rough, Whiteside and Tollison Road are also rough. Mr. Davis mentioned that obviously this can not all be done, but he is looking for input in other places that should be considered. Town Attorney Scott Keller said that he had a concern that was more a winter plowing issue concerning County Rt. 60 and the condition of the roads lately. Mr. Keller gave a specific date of January 16<sup>th</sup> and he said that the condition of the roads were terrible. Highway superintendent Alan Davis mentioned that the County Rt. 60 would not be maintained 24 hours like the county did. Many residents of the Town of Cambridge gave some constructive criticism as to how the town roads were not being well maintained like with the previous Highway Superintendent. Mr. Davis said that he was running the same regiment as the previous Highway Superintendent. Councilman McMurray did ask Highway Superintendent how much road can be paved. The answer to that was 1 ½ to 2 miles of road. Resident Rani Bass did thank Mr. Davis for opening up the discussion of the paving of the town roads to the public.

Privilege of the Floor

Resident Robbie McIntosh mentioned his concerns about cell phone towers going up in the Town of Cambridge. He wanted to make people aware that there are ways to site these so that residents do not get upset. He also mentioned that you can not tell the cell phone tower person this unless there is something on the books. Councilman Skiff mentioned that he has already looked into cell phone towers regulations. Robbie McIntosh mentioned the other concern was the small town developer. He said that one thing that a developer looks for is the security that a town has, a zoning ordinance that is going to protect the value of the development. Mr. McIntosh mentioned that this town has nothing. Councilman Skiff said that he has done research and the Town Board is working on this. Supervisor Watkins mentioned that the Town Attorney Scott Keller has drafted a copy of the Dump Law. The Town Board is reviewing it. Mr. Keller has attempted to include everything in this law and the town board will be giving feed back to Mr. Keller. The Law should be given to the public within the next two months for review and comment.

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There being no further business before the Board, the meeting was moved and carried to adjournment at 9:05 PM.

Respectfully submitted,



Heather Greenawalt  
Town Clerk/Town of Cambridge