

Regular Town Board Meeting
July 8, 2013

The Regular Meeting of the Town of Cambridge, duly called and held the 8th day of July, 7:30 PM at the Town Hall, the following were present:

- Supervisor William Watkins
- Councilwoman Catherine Fedler
- Councilman Robin McMurray
- Councilman Gerald Skiff
- Councilman Douglas Ford

Others present: Heather Greenawalt Town Clerk, LaVerne Davis Code Enforcement, Alan Davis Highway Superintendent, Scott Keller Town Attorney, Don Herrington, Lillian Herrington, Sue Herrington, James Morris from the Eagle, Rani Bass, Paul Nadeau, Robbie McIntosh, Henry Peabody, Elton Balch, Jim Buckley, Ray Gardiner, Dick Battistoni, Ted Berndt, Bonnie Farellel, Tony Millington

Auditing of the Bills

General	#132 – 149	\$1,110.32
Highway	#76 – 84	\$8,832.42

Supervisor Watkins called the meeting to order at 8:00 PM and immediately led in the Pledge Allegiance to the Flag.

Approving of the Minutes

Resolution#30

Councilwoman Fedler motioned, Seconded by Councilman McMurray with one correction on page 3 in the Agenda 21 resolution. The addition that resident Robbie McIntosh made was placed incorrectly. Instead of adding a separate whereas, this should be added at the end of the Whereas that starts Whereas, these initiatives and others.....and at the end take off the and, add his statement large corporations employ lobbyists to advocate for laws favorable to corporate interests.

Vote: Ayes – 5 Noes – 0

Supervisor's Report

Resolution#31

Councilwoman Fedler motioned, Seconded by Councilman McMurray to approve the Supervisor's report for June 2013.

Vote: Ayes – 5 Noes – 0

Public Hearing for the Local Law #1

The Public Hearing for the Town of Cambridge Dump Law, Local Law #1 was opened at 8:03 PM.

A resident Lillian Herrington asked why we needed such a long dump law when she thought that no one in the town would want a dump. She also questioned the Laws that were mentioned by numbers and sections that no one knew. She mentioned that she thought that dumps and fracking material were the concern for the Town. The Supervisor said to look these laws up that were referred to and find out what they were. The Town

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Attorney Scott Keller mentioned that at the last meeting the residents mentioned that the Town of Masonville law did not have enough teeth. This was a change of direction the Town Board and Attorney took to shorten the law, yet still leave strength to it.

Resident Jim Buckley had concerns about spreading of manure and that it would be in violation of this law. It was mentioned that this was covered under the exceptions section and also by Ag & Markets Law. The Town Attorney mentioned that if this Law is read through completely, if someone decides to bring a complaint and lose then they must pay both parties legal fees. This is designed to deter people and avoid the nuisance law suit.

Resident Rani Bass had many concerns: such as moving of compost from neighboring properties, septic systems, pamphlets scattered around the town hall that could be considered in violation of this law. She also mentioned that under the section of exceptions in the second sentence it was very confusing, the wording was not clear. Other residents of the town said that these things mentioned above were not considered dumping. Ray Gardiner a resident of the town said that they would never be able to move forward with this dump law if people felt that they had to have specific things written pertaining to certain individuals.

Resident Robbie McIntosh mentioned that this could possibly be avoided by adding the word nuisance to the Purpose section on the front page of the dump law. He also mentioned that it would basically come down to the courts decision whether or not it was a legitimate complaint.

Ted Berndt a resident of the Town questioned whether or not it was announced at the last meeting to have a public hearing on the dump law. He said that it seemed as if a hearing date was set without a board vote.

It was determined that not everyone could be satisfied when creating a dump law and that the board had to start somewhere and could add on later if need be.

Some residents also had concerns about the section titled penalties. It was thought by some residents that the penalties were harsh.

Councilman Ford mentioned that the penalty section of the law had to also have some teeth, so hopefully this would caution people to break the law, or bring a false claim against a neighbor. He mentioned that unfortunately no everyone has reasonable neighbors.

It was discussed if this law was voted in, later it could be changed. The board members mentioned that this was just a starting point that future board members might find a need to make changes.

Public hearing was closed at 8:47 PM.

Assessor Report

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The Town Supervisor reported that Mr. Jackson would not be reapplying for the Assessor position therefore the Town would need to advertise for the position. The position would need to be filled before October 1st; this is when the ORPTS has requested the new assessor information. Real Property in Fort Edward has suggested that the Town of Cambridge appoint a part time assessor.

Resolution #32

Councilwoman Fedler motioned,
Seconded by Councilman Ford,

The Town Board of the Town of Cambridge will advertise for the part time position of assessor with an annual salary of 14,500, 1 day a week 6 ½ hours, starting on October 1, 2013. This position will be advertised for 30 days in the Eagle, local website, Craigs List and the State website.

Vote: Ayes – 5 Noes – 0

There will be a special Meeting for interviewing the candidates for the Assessor position on August 27, 2013 at 10:00 AM.

Town Clerk Report

Town Clerk Heather Greenawalt reported that under the new Uniform Notice of Claim Act, which went into effect June 2013. A potential plaintiff now has the option of serving, for a fee, a notice of claim on the secretary of state who will, in turn, send along the notice of claim to the municipality.

Resolution No. 33 2013, Town of Cambridge
Councilwoman Fedler motioned,
Seconded by Councilman Ford,

WHEREAS, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designation the Secretary of State as an agent for service of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days from the appointment of a representative of the descendant's estate; Now therefore Be it

Resolved, that the Town Board of the Town of Cambridge, County of Washington designates the position of Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 846 County Rt. 59, Cambridge, NY 12816 (post office address).

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

Vote: Ayes – 5 Noes – 0

Town Board

Councilwoman Fedler reported that she had received information from the Lake George Planning Board and would be posting this information on the bulletin board.

Highway Report

The Highwaymen spent several days cleaning up from several storms, downed trees, cleaning ditches, pulling trees out of streams blocking water and replacing culverts. They also hauled gravel for 1 day with 3 trucks back to stock pile, graded some roads and will continue as conditions allow. They received help from the village to get the cemeteries mowed for the 4th of July. Chuck spent part of the day in the village with the excavator. All employees attended safety day put on by the County. The highwaymen also helped White Creek finish their paving project and replaced a tire on the grader. They are continuing to work on the 2nd pass of mowing roadsides.

The Planning Board meeting was changed from July 4th to Thursday the 11th therefore there is no report.

Code Enforcement

The Code enforcement officer LaVerne Davis reported that on June 28, 2013 he received a call saying that a trailer had been moved in the town illegally. LaVerne Davis and Supervisor Watkins inspected the trailer on June 29, 2013. The unit is over the 5 years stated by the Mobile Home Law. A remedy of violation and a notice was sent to the owner to remove the trailer from the Town of Cambridge.

Paul Nadeau the owner of the trailer and resident of the Town of Cambridge reported that he moved the trailer in the Town of Cambridge so that his son could live in it and help him out on his farm. He said that he did not know about the 10 year law. He said that Stanley Mekita had inspected the electrical condition of the trailer, the wiring is copper and there is a ground. The trailer would have to be inspected again after it was finished before the final hookup of the electric.

LaVerne Davis Code Enforcement said that in the past a application was filled out and the board requested that Mr. Davis inspect the trailer. If LaVerne thought that it was in superior condition then the 5 years could be stretched to 10. He said that Mr. Nadeau brought the trailer into town without a permit and the trailer is old and the condition is no good. Councilwoman Fedler asked what Mr. Davis suggested that they do. His comment was that he already suggested the trailer be moved out of the town.

Mr. Nadeau the owner said that he would do whatever it takes when working with the board. He requested to show the pictures of the trailer to the board and also presented the inspection paperwork. Mr. Nadeau said that he had no idea that he needed a permit; he

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mentioned that this was a hardship situation. He said that his sons help is needed because he is getting older and can't do as much.

Councilman Ford mentioned that when doors are opened for exceptions for the law where does it stop. Why have laws if you are not going to enforce them.

Councilman Skiff said that he agrees with whatever LaVerne Davis Code Enforcement recommends.

Councilman McMurray said that he would abide by the laws that were in place.

Supervisor Watkins requested the Town Clerk Heather Greenawalt do a role call vote for keeping the trailer in the Town of Cambridge.

Councilman McMurray – Noe

Councilman Skiff – Noe

Councilman Ford – Noe

Councilwoman Fedler – Noe

Supervisor Watkins – Noe

It was a unanimous vote by the board for the trailer to be removed from the Town of Cambridge.

Town Justice Report

Heather Greenawalt reported for Town Justice Janet DeCarlo for her six month report. The total money received from January through June 30, 2013 was \$1379.00. Also received was the amount of \$121.00 which represents restitution to Judge Sica for a bad check which was used for payment of a fine and later transferred to Town Court for disposition. The Town Justice requested that the Town Board sign the one copy and return to her.

Communications

Town Clerk Heather Greenawalt read a letter by Nancy Maebus in regards to the dump law and she was requesting that in the section exceptions, first sentence. So, anything not produced on same property of private residence is against the law according to this. She also mentions that this law seems like a precursor to the Comprehensive Plan which leads to Agenda 21.

Unfinished Business

The Supervisor questioned the Town Board what they wanted to do with the dump law. It was suggested that there be another public hearing for the dump law and the Town Board will vote on it.

Public Hearing will be held on the Dump Law at the next Town Board Meeting August 12, 2013 and the board will vote on the Dump Law.

County Report

Supervisor Watkins reported that the county subdivision of the property in Hartford would be occurring so that the auction could take place in September on the 4 parcels.

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

Respectfully yours,

Heather Greenawalt
Town Clerk/Town of Cambridge