

Town Board Meeting
August 9, 2010

At the Regular Meeting of the Town Board of the Town of Cambridge, duly called and held the 9th day of August 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, Eric Shaw Highway Superintendent, Margaret Shaw Clerk to the Supervisor, Dan Schmidt, Jimmy Stannard, Terry Hamilton, Town Justice Janet DeCarlo, David DeCarlo, Henry Peabody, Ashleigh Farrell, Rani Bass

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 #86

Councilman Berndt motioned, Seconded by Councilwoman Fedler to approve the minutes of the July 12, 2010 Town Board meeting with one correction on Page 5 it should read Judge Krogmann who is presiding over the Litigations against the Town of Cambridge had told the Town to decide on a lawyer because he is ready to answer the claim. Residing was put instead of presiding which is the correct word.

Vote: Aye – 5 Noes – 0

Items to be Added

1. Councilman Berndt requested to add Justice Court consolidation, Regarding a letter he sent to the supervisor on information from the NYS Comptrollers office pertaining to the Court consolidation
2. Councilman Berndt also requested how the agenda is developed, both of these items were added under new business

Supervisor's Report

In regards to the soil analysis that was taken pertaining to Tony Brower's property which was a bill that was audited at the last meeting. Councilman Berndt did caution the Supervisor that in the future before any soil analysis is taken that it comes before the Board. Supervisor stated that he would take this in consideration.

Resolution #87

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

Vote: Aye – 5 Noes – 0

Update on Culvert

Eric Shaw Highway Superintendent reported that on Monday, August 16th the South Union Street Bridge will be started. Things are being prepared this week so that they will be ready to start on Monday. August 10th the by pass culvert will be picked up, this will be installed to run the water around the project. The estimate for the South Union Street Bridge has been handed out to each board member. The Village has been made aware that the street will be closed; a notice will be in the Eagle this week. It was also required by the Village that Superintendent of highways Eric Shaw receive a permit to run the excavator in the Village of Cambridge, they also requested a copy of all the paperwork and that was given to them on Thursday August 5th. The Highway Department questioned whether or not to cut two large trees, they were going to leave them; however the owner of Mequinox asked that they be cut. A porta potty has been ordered from Snell's for \$50.00 for each town for the 2 weeks.

Town Board

Councilman Berndt updated everyone on the High Speed Internet, Congressman Murphy, State Senator Little's and Gillbrand, and Assemblyman Jordan, have all sent letters to the Verizon directors. Councilman Berndt has requested that the Supervisor and the high speed internet committee set up a meeting with Congressman Murphy's office. Councilman Berndt has a call in to Congressman's Murphy's office and is hoping to meet with him before Labor Day. Eric Shaw the Highway Superintendent asked if the town had considered taking Verizon back as a provider because the town is not even a Verizon customer and why would they give the town service of DSL when they are not a customer. Councilman Berndt stated that it was something to consider.

Town Clerk

Heather Greenawalt the Town Clerk reported that she had received multiple emails from NYS Town Clerks Association, and Ag & Markets updating her on the change in the dog licensing legislation. Each Town Board member and the Supervisor were given a copy of the latest information. As more information is received the Town will be advised how to move forward. Also the information packet was received from DEC for the 2010-2011 hunting season licenses will go on sale beginning August 16, 2010.

Planning Board

None

Highway Report

They paved Horton Road and Tollison Road as well as shimming a section of Whiteside Road. The shoulders on the newly paved roads were also done. All permits necessary to start the South Union Bridge project were received. The project will be started on Monday, August 16th, 2010. The entire Highway crew plus Eric Shaw the Superintendent will be taking another day of PESH required safety on September 9th. The Town of Cambridge helped Town of White Creek resurface Lincoln Hill Road. Chuck worked for Village of Cambridge for one week doing excavator work. Mowing is

Town Board Meeting
August 9, 2010

progressing. At the present they are a little ahead of schedule. The pickup was worked on by Peabody Bates resulting with a cost of \$1,047.00.

Councilwoman Fedler read a letter from the Town Justice Janet DeCarlo thanking Eric Shaw the Highway Superintendent for taking on the responsibility of the young people working in the highway department for their sentence of community service. The Town Justice states that this has been a great asset to the Cambridge Town Court and hopefully these young people will learn a valuable lesson from this sentence.

Councilman Davis just wanted it to be noted that the Village says that they don't get anything for their tax dollars yet Chuck spent a week working for the Village. Councilman Davis stated that this should be considered a service to the Village from the Town.

Code Enforcement

LaVerne Davis has handed in a Building Inspector Mileage Report which includes the inspections that were done and the permits that were needed and the total amount of miles traveled throughout the month. This will be a paper that is handed in monthly now to show the activity for the month.

Councilman Davis questioned for example if the town was liable if something happen and a mobile home was not registered with the town. Councilman Berndt also stated that this was a concern of his also that things were not being documented. He used for example the situation on Duell Hollow Road with the burn pile that was burnt even when they were told to remove everything but the wood. Councilman Davis questioned what stops people from doing this are there policies, fines and a fee schedule. Councilman Berndt still voiced his concern that there was not enough documentation, when a visit is made this should be documented in a certified letter. Town Clerk Heather Greenawalt stated that she knew that LaVerne Davis had a fee schedule that he followed and that there was also fines that had been administered before because the money is handed in to the clerk, also she stated that she knows that this is documented. It was decided to contact LaVerne Davis for further information about this matter before the next Town Board Meeting.

Communications

None

Unfinished Business

The South Union Bridge repairs that will be started on August 16th this was already discussed at the beginning of the meeting. Councilman Davis did question if the figures on the paper that the Town Board received were good. Superintendent Eric Shaw of the Highway Department reassured them that they were.

New Business

Town Board Meeting
August 9, 2010

A letter was received from the ORPS office in Fort Edward that Robert Wright's term would be running out as of September 30, 2010 and that he must be reappointed or another individual must be appointed.

Resolution #88

Supervisor Watkins motioned, Seconded by Councilman Davis to reappoint Robert Wright to the position on the Board of Assessment Review of the Town of Cambridge for the term of October 1, 2010 to September 30, 2015.

Vote: Aye – 5 Noes – 0

Equalization Rate Update

The Supervisor Watkins attended ORPS hearing concerning the town's equalization rate. They approved an increase from 95.5% to 96.8%. The Town Assessor Jeffry Jackson and Mr. Watkins have talked and next year when he submits the equalization rate it will be 100%.

County Report

Supervisor Watkins updated everyone that on Monday the 16th of August the Board of Supervisors all 17 would be interviewing applicants at the county for a replacement for Mr. Grimmke's position. The county is looking at having a consulting firm to do the engineering and than have someone on board that can do the management position they are trying to streamline the position so that it is more functional.

Councilman Davis questioned what was going on with the furlough or the lay off at the county level. Supervisor Watkins stated that they would be getting a week off. The Supervisor stated that he did not believe that anyone could afford to work a week without pay; he said that he did everything that he could to help the employee's. The Town Board members voice their concerns about this, stating that it was crazy and ridiculous that most workers are given more notice when there is a shutdown or a layoff. Councilman Berndt mentioned his concern with the bridge crew that they only had a short time to get there work done as it is, could their furlough be shifted to a later date in the fall or possibly the winter. The Supervisor agreed he said he tried to reason with some of the other supervisors to find another way but as off right now everyone except the Supervisors will be getting a week off sometime in August.

Consolidation of the Court System

Councilman Berndt wrote a letter to the Town Supervisor about the Justice Court Consolidation of the towns. Councilman Berndt had a handout that he will give each of the members of the board from the NYS Comptrollers office concerning the consolidation of the Courts of the Towns. The Comptroller's office has this guide that helps to assist Local governments and citizens considering justice court consolidation, it provides a step by step process and outlines some of the issues. This consolidation is supposed to create efficiency and effectiveness of the justice court without jeopardizing local court revenues and access to justice. Councilman Berndt requested to move this topic to unfinished business to next months meeting and inquire with town of Jackson

Town Board Meeting
August 9, 2010

and the Town of White Creek and because some of the town board members did not receive the information till this evenings meeting. Supervisor Watkins made Councilman Berndt aware that he had contacted the NY State Magistrates Office and they told him that they are not ready to begin consolidation, and that there are contradictory laws at play. Town Justice Janet DeCarlo spoke stating that this is the last board meeting that she is allowed to attend; she has spoken to the Magistrates Association, Judicial Ethics Board, and Resource center for Judicial Town and Village Justices. The Judicial Ethics Committee has told her that she should not attend any more meetings and not to discuss this any further with the Councilpersons. This is considered an appearance of impropriety that she is acting in concert with the Board and it's not allowed. There is documentation that is available on this matter however she is not allowed to provide it. There were many questions asked among the board as to where the savings would come from with the consolidation. Councilman Berndt stated that the same equipment would be used, he states that the town is currently is over budget on this line item. Councilman Davis asked about the revenues and the cost and see what we are taking in and what is going out. Margaret Shaw stated the expenses this year were mainly because the state has mandated that these changes be made. David DeCarlo Town Justices DeCarlo's husband stated that regardless, nothing could be done until the currently elected Justice is up for reelection. Councilman Berndt stated that there was a whole process that must be gone through referendum vote etc. Town Justice Janet DeCarlo stated that she had spoken to Town Justice Carl Ackley, and Judge Sica and they have no plans of dissolving the court of the Town of Jackson, White Creek, and the Village of Cambridge. The Supervisor stated that this has gone on for long enough and must move on.

Resolution#89

Councilman Berndt motioned, Seconded by Councilman Davis to table this discussion of the consolidation of the Courts until further information is obtained on this subject.

Vote: Aye – 5 Noes – 0

Agenda Discussion

Councilman Berndt questioned the time period needed to add things to the agenda 7 or 10 days. Supervisor Watkins stated that the Agenda is done on Mondays usually at 1:00 PM, the week before the Town Board Meeting. The Supervisor stated that he does not have a problem with adding things to the agenda at the night of the meeting.

Councilwoman Fedler brought up the subject of the curfew for the town board meetings because the motion that was made last month for the 10:00 PM curfew would run out this meeting because the resolution was to try it for 2 meeting.

Resolution#90

Councilwoman Fedler motioned, Seconded by Supervisor Watkins to continue the curfew till the end of the year and revisit the topic in January 2011 at the Organizational Resolution.

Vote: Supervisor Watkins – Aye

Councilwoman Fedler – Aye
Councilman Davis – Aye
Councilman Ziehm – Aye
Councilman Berndt – Noe

Councilman Berndt wanted it noted that if at any time that the rules of order got out of hand that they could be revisited at that time. Everyone agreed.

Councilman Berndt inquired whether or not the Supervisor had heard anything from Judge Krogmann about the Article 78 preceding. Supervisor Watkins stated that he had not however he would keep everyone updated.

Privilege of the Floor

A concerned citizen Kim-Scott Miller that has just recently moved to the area over on Vly Summit, off of Rt 74 going towards Brownell corners Rd and Vly Summit. He brought to everyone's attention about his concerns of the 16 wheeler trucks that are traveling that road at excessive speed and taxing the road which is not meant for this heavy weight. He stated that the speed limit is 30 mph and the trucks are traveling at a fast speed, excess of at least 50 mph in a highly residential area and his concerns are the children that live on this road. He wants to know the procedure he must follow to have this corrected. Supervisor Watkins told him to get the names off the trucks and that he will take care of the situation, and talk to the sheriff about this.

Transfer of Funds

Resolution#91

Councilwoman Fedler motioned,
Seconded by Councilman Davis,

Be It Resolved, that the Town Board of the Town of Cambridge authorized Margaret Shaw Clerk to the Supervisor to open a second account for the deposit of the check from the sale of the International Truck and plow/and equipment.

Therefore Be It Resolved, that when the check comes the deposit will be made in the new account which will gain interest until such time as it is allowable to combine the two accounts into one Highway Reserve Fund.

Vote: Aye – 5 Noes - 0

Tully Rinckey Bill

The Town Board discussed the Bill that was owed to Tully Rinckey, Margaret Shaw Clerk to the Supervisor explained Voucher that was being submitted to audit the bills. She explained that she had spoke with Mr. Rose and explained to him that the Town Board felt that they thought they should not have to pay the \$100.00 for the transferring of the records. Mr. Rose said to deduct this off the bill and to pay the other portion, so Margaret explained that this was what Town Clerk Heather Greenawalt has done and it is up to the board to make the decision whether or not they pay the bill when they audit the bills. The Town Board still questions the bill and they state that this transfer has never

Town Board Meeting
August 9, 2010

been signed off on by the Town Board. Therefore the Town Board chose to reject the bill.

Resolution#92

Councilman Berndt motioned, Seconded by Councilman Ziehm to reject the bill from Tully & Rinckey, and it was authorized for Margaret Shaw Clerk to the Supervisor to draft a letter stating that the Town Board of the Town of Cambridge has decided not to pay the bill; Supervisor Watkins will sign the letter and then it will be sent.

Vote: Aye – 5 Noes – 0

Councilman Berndt has requested that the Supervisor keep him informed with any new information concerning the law firm of Deily, Mooney & Glastetter. Supervisor Watkins stated that he would.

Resolution#93

Councilwoman Fedler motioned,
Seconded by Councilman Davis,
Be it Resolved, that \$150.00 be transferred to cover monthly phone charges plus other incurring expenses of the Town Justice, the Town Board of the Town of Cambridge, does hereby authorize the transfer of funds from Contingent A1990.4 to Justice Contractual A1110.4.

And Be it Resolved, that the Town Board of the Town of Cambridge also, does hereby authorize the transfer of money that is needed to cover dog control contractual charges.

Be it Further Resolved, that a \$100.00 be transferred from Control of other Animals, Contractual A3520.4 to A3510.4 Dog Control Contractual in order to cover this month and successive charges.

Vote: Aye – 5 Noes – 0

Audit the Bills

General	#137 – 151	\$10,307.09
Highway	#72 – 82	\$8,947.22

There being no further business before the Board, the meeting was moved and carried to adjournment at 8:50 PM.

Respectfully submitted,

Heather Greenawalt
Town Clerk