

Town Board Minutes
October 13, 2008

At a Regular Meeting of the Town Board of the Town of Cambridge, duly called and held Monday, October 13, 2008, 7:30 PM, at the Town Hall, the following were present:

Supervisor JoAnn Trinkle
Councilwoman Carol Imhof
Councilman Ted Berndt
Councilman Joel Nichols
Councilman Frank Ziehm

Others present: Town Clerk Sally Eddy, Highway Supt. Eric Shaw, reporter Meaghan Wilkins, reporter Evan Lawrence and approximately 120 members of the public.

Supervisor Trinkle called the meeting to order and immediately led in the Pledge of Allegiance to the Flag.

Minutes

Councilman Joel Nichols motioned, seconded by Councilman Frank Ziehm, to dispense with the reading of the minutes of the September 8, 2008 meeting and approve them as mailed by the Town Clerk.

Vote: 5 – Ayes 0 – Noes

Items to be Added to Agenda

Under new Business – Budget transfers

Supervisor's Report

1. The August and September 2008 financial reports were reviewed and commented upon.
Councilman Joel Nichols motioned, seconded by Councilwoman Carol Imhof, to approve the August and September 2008 General and Highway financial reports.
Vote: 5 – Ayes 0 – Noes
2. On October 7 the NYS Department of Ag & Markets performed a surprise on site inspection of the town's dog kennel at dog control officer Ed Holland's property. The site failed the inspection and remedies were ordered by Ag & Markets. A follow- up inspection was done on Friday, October 10, but Supervisor Trinkle has not been notified of the results. Supervisor Trinkle has learned that Ed Holland and his assistant Nancy Quell, are in the process of taking over Safe Haven Kennel located on North Road in the Town of Greenwich and the kennel, which is presently at Mr. Holland's residence, will be moved to that location. During the meantime, the old site needs to be cleaned up.
3. There is a conflict going on between the Buskirk Fire Department, DEC and the Army Corp of Engineers. The fire company took down a building next to the firehouse, brought in some fill and want to use the space as a parking lot. DEC approved it, but the Army Corp did not.

Town Board Report

Councilman Ted Berndt reported he spoke with a Verizon representative Thursday and was told that there will soon be a meeting of Verizon officials and elected government officials to discuss the costs and possible means of funding to assist implementing DSL in the Cambridge area.

Town Clerk

Town Clerk Sally Eddy reported there were two days of local voter registration recently held at the Town Hall. On Monday, October 6, 12:30 PM – 4:00 PM no one showed up. On Saturday, October 11, 2:00 PM – 9:00 PM, 5 people registered.

Planning Board

Secretary Sally Eddy stated the Planning Board met October 2 and addressed the following items:

1. Granted Preliminary Approval to David & Janet DeCarlo's minor subdivision on Cambridge-Battenville Road. The lot consists of .51 acres and contains a house. Public hearing will be held at the November meeting.
2. Patrick Hickey and Jennifer Salluzzo submitted a survey map for a three parcel subdivision of their 19.35 acres at 42 Frog Way. The lots consist of 5.03 acres, 7.62 acres and 6.7 acres. Since Frog Way is not a town road and all the residents on the road have been granted an easement to use the road and have informally maintained the road in a cooperative effort, the Planning Board had a question if those conditions pertaining to the road would in any way interfere with or prohibit subdivision of any of the properties on the road. Chairman Eric Pearson will contact Attorney Alan Wrigley for advice.
3. There is a training class at the County on October 16, 6 – 9 PM on the topics of Site Plan Review and Outdoor Wood Boilers. Three members plan to attend.

Highway Superintendent

1. The majority of the month was spent cutting brush and trees.
2. We ditched in numerous spots throughout the town.
3. Culverts were replaced on both King Road and Horton Road
4. We are starting to get our plow equipment ready for the upcoming season.
5. The fall grading of roads has been started.

No Code Enforcement Report

Resident William Watkins asked a question about what took place last month concerning the small triangular piece of property located on Brownell Road owned by Audrey Hall. The piece came into being as the result of an improvement to a portion of West Cambridge Road (now known as Brownell Rd) in 1939 when the old road was moved eastward to eliminate a curve. The parcel lies between the old road and the new road. Audrey Hall has been deemed the owner of the property in question.

Councilman Joel Nicholas responded the Town Board passed a resolution granting Supervisor Trinkle the authority to sign a Quit Claim Deed conveying any interest the Town might have in said lands to Audrey Hall.

Communications

1. Supervisor Trinkle made mention of a letter she received from Cathi Radner who serves as legal counsel for the group of farmers opposing the Comprehensive Plan.
2. Received a letter from Senator Betty Little's office stating there has been a change in the way surcharges are implemented on state contracts. In the past, surcharges of one half of one percent have automatically been added onto State Contracts paid for by the purchaser. That practice has been altered. Supervisor Trinkle contacted OGS and discovered that the surcharge is, instead, passed onto the vendor. She added ultimately the purchaser will still pay.
3. Received an invitation from the Southern Adirondack Tobacco Free Coalition to attend a dinner on November 12 at the Queensbury Hotel honoring those municipalities who supported the Coalition's effort urging store owners not to place tobacco advertising in such a manner as to target young people.

Unfinished Business

1. New Loader - Supt. Eric Shaw said the purchase of a new loader under state contract is \$98,785. With \$40,000 trade-in from the old loader the price would come down to \$58,785.00. A decision needs to be made soon because the contract ends October 31, 2008. There is money in the Highway Reserve to pay for it. Mr. Shaw stated that he spoke with a New Holland dealer and was told that if New Holland is awarded the bid again for 2009 the price will increase by \$9155. Mr. Shaw stated that if the loader was put out for

open bid, rather than State Contract, the price would come back \$15,000 - \$18,000 more.

The public became involved in the loader discussion. One resident expressed that since the economy is in a downward spiral next year the price may go down. Others expressed keeping the old loader and repairing it. Another resident stated everybody has to start cutting back. Yet another resident stated if you need a new one get it, but if you can fix it, then fix it.

Mr. Shaw commented he has tried to stick to a tentative 15 year purchase plan for vehicles and equipment. By having a purchase plan the Town Board is aware of what is needed and can put money into the budget each year. Then the money is available without having to borrow when the time comes to buy.

Councilman Ted Berndt motioned, seconded by Carol Imhof, to table the discussion to purchase a new loader until Mr. Shaw researches more information from suppliers.

Vote: 5 – Ayes 0 – Noes

2. Comprehensive Plan – Supervisor Trinkle explained the current status of the Comprehensive Plan. She stated that the Comprehensive Plan Committee is ready to turn the plan document and accompanying data over to the Town Board. The Town Board, by resolution, will vote to receive the plan document and accompanying data. The Town Board will review the plan and within ninety days will hold a public hearing to either approve, revise or reject the plan. The Town Board must receive it before any official action can be taken.

Nancy Mabeus was the first to speak. She read a letter that did not favor the Plan and questioned parts of it. She directed the board not to adopt it. Her letter is attached to and entered into the minutes.

Francis Moon asked if the results of the survey were tabulated and, if they were, do they jive with the Plan? He said the Town Board was voted in to represent the opinions of the majority and not a few. He asked why isn't Steve Sanford here tonight?

Gloria Collery asked who started the Plan? Supervisor Trinkle responded the Town Board asked for volunteers.

William Buchanan asked the Board if once you accept it does it mean we have something to say? He then proceeded to read a letter stating that the Plan is based on the returns of the survey to which only one-third of the citizens responded. The Planning Team should have found out what the other two-thirds wanted. He requested the Town Board reject the Plan based on: 1) its rejection by citizens at the September 10th public meeting and 2) the fact that its "input" from citizenship ignored the fact that the views of two-thirds of our citizens were not known. No future consideration should ever be given to a Comprehensive Plan by the Town Board unless at least two-thirds of the citizens respond with their opinions. Mr. Buchanan's letter is entered into and made part of the official record.

William Watkins stated he attended the Comprehensive Plan Committee's final meeting on October 8 and only 6 members of the original 17 were present. He stated that one member of the Committee, Ralph Rossi, voted not to hand the Plan over to the Town Board. Mr. Watkins thanked the Committee for their efforts of four years and said the Plan has mistakes in it. Can the Town Board undo it or should it be banished?

Comprehensive Plan committee member Cynthia Blakemore urged the Town Board to give the Plan a full ninety days of consideration.

At this point in the meeting, Supervisor Trinkle read aloud the resolution drafted by Attorney Alan Wrigley for the Town Board to accept the Plan. The public overwhelmingly voiced themselves by saying they wanted the word “accept” changed to the word “receive”.

Councilwoman Carol Imhof motioned, seconded by Councilman Ted Berndt, to amend the resolution to replace the word “accept” with the word “receive.”

Vote: 5 – Ayes 0 – Noes

Resolution by Councilwoman Imhof
Seconded by Councilman Nichols

WHEREAS, the Town of Cambridge in 2004 appointed a group of residents known as the Comprehensive Plan Team to work as volunteers to write the first Comprehensive Plan for the Town, and

WHEREAS, the Comprehensive Plan Team has completed its work and is ready to submit to the Town its Report which includes a draft Comprehensive Plan together with comments from the most recent public hearing on the matter; now, therefore, be it

RESOLVED, that the Town hereby receives the Report of the Comprehensive Plan Team including the Draft Comprehensive Plan, comments from the most recent public hearing and all related documentation assembled and collected by the Comprehensive Plan Team during its work for the Town together with all other documents listed in the cover letter from the Comprehensive Plan Team to the Town; and be it further

RESOLVED, that the Town hereby disbands the Comprehensive Plan Team, its work having been completed, and thanks the Comprehensive Plan Team for its efforts and work on the Comprehensive Plan.

Supervisor Trinkle – Aye
Councilman Nichols – Aye
Councilman Berndt – Aye

Councilwoman Imhof - Aye
Councilman Ziehm - Aye

Councilman Frank Ziehm read a statement summarizing his feelings about the Plan. He stated the idea of the Plan is to protect this rural town from the potential of unplanned and uncontrolled development. He is not opposed to development, but he believes we can be smart about our decisions for future growth. He does support the concept of a Comprehensive Plan. He proposed amending the resolution to include the words at the end of the first paragraph to read “as a working document.” He proposed receiving the Plan as a first draft, making as many revisions as necessary, but not finalizing it until the public’s concerns are addressed and everyone understands and agrees that this is the best Plan for Cambridge.

Mr. Buchanan retorted it’s no working tool; you need to hear from the other two thirds of the people.

Leonard Wachel remarked that he is surprised that the Town Board didn’t decided to not receive it and proceed with no Plan.

George Beagle stated if he wanted to live under a dictatorship he would move to Russia. He said he wasn’t even able to read the Plan on the internet.

Carl Trinkle spoke defending the Plan. He said the town needs some type of plan especially now with the AMD plant coming to Malta. We need to conserve farmland; we need some rules and regulations since there is nothing in place to stop activity from coming in, i.e. dumps, salvage yards. He went on to say that there have been several bad editorials and nasty letters aimed at the Town Board accusing them of being cheats and liars. He called for a public apology to the Town Board from those responsible for the published articles.

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Gloria Collery stated that if people on the Town Board feel there needs to be change in government policy then use the means you already have. Update and change what's in place. You have a government that already works. Change the things that need to be changed.

Resolution by Councilman Ziehm
Seconded by Councilman Nichols

Resolved, that the resolution to receive the Comprehensive Plan and all related documentation be amended to include the words "as a working document " to be added at the end of the first paragraph following the word Town.

Supervisor Trinkle - Aye	Councilman Berndt - Aye
Councilwoman Imhof – No	Councilman Ziehm - Aye
Councilman Nichols - Aye	

Michael Halsey spoke to the growth issue. He said kindergarten enrollment at Cambridge School is at a record low and housing sales in the area are flat. According to census information, in 1850 the population of the town was at 2593 and in 2008 it was 2152.

Councilwoman Carol Imhof read aloud her statement concerning the Comprehensive Plan. She stated the Town Board was presented with a petition signed with 500+ signatures of Town residents, a clear majority, stating that they want to see the plan voted down. I feel that I was elected to represent the majority of the Town residents, therefore, I make the motion:

Resolution by Councilwoman Imhof

Be It Resolved, that the Cambridge Town Board reject the Comprehensive Plan as submitted and, at a later date, establish a new committee. The rejected Comprehensive Plan can and should be used as a reference for a new Comprehensive Plan. The new committee should comply with the requirements of the open meetings law and any other requirements mandated.

There was no second.

Colleen McDonald recommended adding to Councilwoman Imhof's resolution that the Town Board be willing to support a new survey and the second committee look at the views of all the people. There was no action taken regarding the recommendation.

Cassie Fedler stated she's asked why do we need a Comprehensive Plan and been told that it helps in getting grant money. But no one has been able to tell her what grant money. She admonished the Town Board to read the heading on the petition. It states that all the 500+ people who signed it want the Plan thrown out. Reject it right now! You are elected to represent the people and you cannot vote based on your personal opinions. You have to vote on what the people want.

A resident spoke saying he didn't know of any right a citizen has to take away his rights. If people want to protect land they can do it through the ASA. We live in a republic not a democracy.

Councilman Berndt stated that we (Town Board) are not in any hurry to adopt this Comprehensive Plan.

Supervisor Trinkle stated she didn't know which way to go with the Plan but the Town Board needs time to hold workshops to go through the Plan together.

Councilman Joel Nichols motioned, seconded by Councilman Ted Berndt, to table any further action on the Comprehensive Plan to a workshop on October 23, 6:30 PM at the highway garage.

Supervisor Trinkle – Aye

Councilman Ted Berndt – Aye

Councilwoman Imhof – No

Councilman Frank Ziehm - Aye

Councilman Joel Nichols – Aye

3. Earl Horton asked if the town had received any lab tests results from Agri-Cycle Composting Facility that was discussed last month. Supervisor Trinkle responded no. Mr. Horton suggested the town hire an independent firm to test the stream and surrounding water supply.

New Business

Transfer

Councilman Nichols motioned, seconded by Councilman Ziehm, to transfer \$114.80 from Contingent B1990.0 to Comprehensive Planning Committee Contractual B8025.4 to cover the cost of printing twenty more copies of the Comprehensive Plan and to cover the cost of advertising the public hearing for the Comprehensive Plan.

Vote: 5 – Ayes 0 – Noes

Budget Workshop

By unanimous consent, the Board set the date of October 27, 7:00 PM, to work on the 2009 budget and discuss the possible purchase of a new loader.

Privilege of the Floor

A resident asked since property values have gone down will the town do a reassessment? Supervisor Trinkle answered that the town is on a 3 year plan and at the end of three years assessments will be looked at again.

County Report

1. Supervisor Trinkle reported that the 2009 tentative budget for the county has come in at a 24% increase. Obviously, all kind of meetings are scheduled aimed at reducing it.
2. Gerald Skiff asked if the county owned Hartford landfill is for sale? Supervisor Trinkle responded yes and that there are some big companies interested.
3. The County is also reviewing RPF from parties interested in operating and managing the five county owned transfer stations. The county is investigating to determine if they can save money.

The following bills were presented for audit and approved for payment:

General # 163 – 175 \$9779.13

Highway #114 – 128 \$7947.85

There being no further business before the Board, the meeting was moved and carried to adjournment at 9:45 PM.

Respectfully submitted,

Sally Beelen Eddy

