

TOWN OF CAMBRIA TOWN BOARD

April 13, 2023

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 13th day of April 2023 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
Matthew P. Foe, Councilman
Jeffrey S. Hurtgam, Councilman
Benjamin D. Musall, Councilman
Randy M. Roberts, Councilman

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Steven Kroening, Deputy Highway Superintendent
Robert Roberson, Attorney
Tim Walck, Wendel
3 Interested Individuals

Following salute to the flag, Supervisor Ellis opened the public hearing on the Replacement in kind maintenance of existing sewer-line being approximately 845 L.F. of new 8" PVC sewer-line from existing SMH-23 to proposed SMH-27 and approximately 115 L.F. of new 10" PVC sewer-line from proposed SMH-27 to existing NCSM SMH-8, all in the Fair Village in the Town of Cambria.

The following public hearing notice was read by the Town Clerk:

TOWN OF CAMBRIA SEWER DISTRICT
Notice of Public Hearing

Replacement in kind maintenance of existing sewer-line being approximately 845 L.F. of new 8" PVC sewer-line from existing SMH-23 to proposed SMH-27 and approximately 115 L.F. of new 10" PVC sewer-line from proposed SMH-27 to existing NCSM SMH-8, all in the Fair Village in the Town of Cambria

PLEASE TAKE NOTICE at its Regular Meeting to be held at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the 13th day of April, 2023, the Town Board of the Town of Cambria, New York will conduct a public hearing at 7:00 PM on a certain Map, Plan and Report and an estimate of costs relating to replacement in kind maintenance of existing sewer-line being approximately 845 L.F. of new 8" PVC sewer-line from existing SMH-23 to proposed SMH-27 and approximately 115 L.F. of new 10" PVC sewer-line from proposed SMH-27 to existing NCSM SMH-8, all in the Fair Village in the Town of Cambria as shown in the Map, Plan and Report proposed by Wendel (Engineers and Architects) for the Town of Cambria Sewer District of said Town at an estimated maximum cost of \$325,000.00 and environmental consideration in connection therewith under SEQRA, at which time and place the Town Board will hear all persons interested. A copy of said Map, Plan and Report and estimate of cost is on file in the office of the Town Clerk where the same may be examined by interested persons during regular business hours.

Tim Walck, Wendel reported that this section of sewer runs from Unicorn Drive to Fair Village and ties into the Niagara County Sewer District. This has been identified for some time as a replacement item and therefore it is considered a maintenance project. Wendel's recommendation is that this is a Type II action under SEQRA, which means SEQRA is not applicable.

This project has been submitted to the Niagara County Health Department for review and the next step, if approved, will be to proceed to Public Bidding. American Rescue Plan Funds and Funds from NCSM are expected to be used to fund and or reimburse for this project.

7:04 pm
Supervisor Ellis opened the Public Hearing for public comment.

7:04 pm
Supervisor Ellis closed the public hearing as there was no one present to be heard.

Supervisor Ellis announced the public information meeting for the Draft MS4 Stormwater Annual Report will be held at the May 11, 2023, Town Board meeting, at 7:00 pm and the Town Engineer will be providing the report.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to set the public information meeting for Draft MS4 Stormwater Annual Report for the May 11, 2023, Town Board Meeting at 7:00 pm.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts -Motion Carried-

7:06 pm
Supervisor Ellis called the regular meeting to order. Board members took action upon the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the minutes of the Town Board meetings of March 9, 2023 work; March 9, 2023 regular.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts -Motion Carried-

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment:

April 13, 2023	CLAIM NUMBERS	ACCOUNT
General	143-187	\$ 136,479.86
Highway	41-63	\$ 56,809.85
Refuse	3 & 4	\$ 39,082.47
Sewer Operating	13-18	\$ 261,814.08
Trust & Agency	7 & 8	\$ 4,074.00
Water Operating	46-65	\$ 64,358.85

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved that the abstract of audited vouchers dated April 13, 2023 be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts -Motion Carried-

FAIR VILLAGE SEWER REPLACEMENT

Fair Village Bond Resolution

BOND RESOLUTION DATED APRIL 13, 2023

A RESOLUTION AUTHORIZING THE REPLACEMENT IN KIND MAINTENANCE OF EXISTING SEWER-LINE BEING APPROXIMATELY 845 L.F. OF NEW 8" PVC SEWER-LINE FROM EXISTING SMH-23 TO PROPOSED SMH-27 AND APPROXIMATELY 115 L.F. OF NEW 10" PVC SEWER-LINE FROM PROPOSED SMH-27 TO EXISTING NCSD SMH-8, ALL IN THE FAIR VILLAGE IN THE TOWN OF CAMBRIA AS SHOWN IN THE MAP, PLAN AND REPORT PROPOSED BY WENDEL (ENGINEERS AND ARCHITECTS) FOR THE TOWN OF CAMBRIA SEWER DISTRICT OF SAID

TOWN AT AN ESTIMATED MAXIMUM COST OF \$325,000.00 AND THE FINANCING OF SAME THROUGH THE ISSUANCE OF BONDS

WHEREAS, pursuant to proceedings hereto had and taken in accordance with the provisions of Section 202-b of the Town Law, the Town Board of the Town of Cambria, Niagara County, New York, has determined it to be in the public interest to increase and improve facilities of the Cambria Sewer District in the Town of Cambria, and

WHEREAS, it is now desired to authorize replacement in kind maintenance of existing sewer-line being approximately 845 L.F. of new 8" PVC sewer-line from existing SMH-23 to proposed SMH-27 and approximately 115 L.F. of new 10" PVC sewer-line from proposed SMH-27 to existing NCSM SMH-8, all in the Fair Village in the Town of Cambria as shown in the Map, Plan and Report proposed by Wendel (Engineers and Architects) for the Town of Cambria Sewer District of said Town at an estimated maximum cost of \$325,000.00 and the financing of same through the issuance of Bonds, and

WHEREAS, as the PROJECT IS A SEQRA TYPE II Action, there is no adverse environmental impact resulting from this project, no negative or positive environmental impact statement is required.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Cambria, Niagara County, New York, as follows:

Section 1. The replacement in kind maintenance of existing sewer-line being approximately 845 L.F. of new 8" PVC sewer-line from existing SMH-23 to proposed SMH-27 and approximately 115 L.F. of new 10" PVC sewer-line from proposed SMH-27 to existing NCSM SMH-8, all in the Fair Village in the Town of Cambria as shown in the Map, Plan and Report proposed by Wendel (Engineers and Architects) for the Town of Cambria Sewer District of said Town at an estimated maximum cost of \$325,000.00 for the Town of Cambria and environmental consideration in connection therewith under SEQRA, in and for the Town of Cambria, together with the necessary accoutrements is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$325,000.00 and the plan for the financing thereof is \$325,000.00 by the issuance of the serial bonds of the Town of Cambria hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Town Board.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of Town of Cambria, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within the Town of Cambria Sewer District No. 1 which the Town shall determine and specify to be especially benefitted by the improvement, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in the Town of Cambria shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which the Town of Cambria is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are not authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in the Union Sun & Journal, the official newspaper, together with a notice of the Town Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the Bond Resolution for Fair Village Sewer Project dated April 13, 2023.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

WRIGHT H. ELLIS voting AYE
MATTHEW P. FOE voting AYE
RANDY ROBERTS voting AYE
JEFFREY S. HURTGAM voting AYE
BENJAMIN D. MUSALL voting AYE

The Resolution was thereupon declared duly adopted.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

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| • Town Clerk Report March: | Total Receipts: | \$ 9,704.50 |
| • Building Inspector Report March: | Total fees collected: | \$ 607.55 |
| Estimated value of construction: | | \$ 10,691.15 |

HIGHWAY SUPERINTENDENT REPORTS

Steven Kroening, Deputy Highway Superintendent, reported as follows:

- Moore Rd. and Burch Rd. project $\frac{3}{4}$ of the way complete.
- Preparing trucks for the spring and summer hauling season.
- Brush pick-up will begin April 17th providing it doesn't snow.
- May 20th 8 am to noon will be tire drop off - per resident- 8 passenger tires and 4 oversized agricultural tires proof of residency required. Electronic drop off and chips will be available for pick up.
- Hot box that was ordered in January is on site.
- Cemeteries-general clean up, rolling the lawns, etc.
- Engine ordered for the cemetery mower-expected within the month.

WATER SEWER REPORTS

Steven Kroening, Deputy Highway Superintendent, reported as follows:

- Preparing irrigation meters to distribute to farmers.
- Repairing lawn damage caused from new service installations over the winter.
- Installing new meters.

ATTORNEY REPORTS

No reports.

Supervisor Ellis reported as follows:

- Bear Ridge Solar Project-still waiting on the decision from the executive director of renewable energy siting.
- Free Paint Drop off April 15th 9:00 am to 1:00 pm at the Niagara University Dwyer Ice Arena Parking Lot. There is a pre-registration requirement.
- In receipt of a letter from the Association of Towns asking for support for an incentive based approach to affordable housing in order to maintain local control over local zoning.
- Working with AFLAC to give the Town employees an opportunity to participate.
- Some remediation going on at the old air force station on Rt. 31 and Shawnee Rd.

CONCERNS OF CITIZENS

Sharon Tasner-Subbera Rd.

Ms. Tasner is concerned about dogs being allowed to run at large unleashed at the Town Park by their owners.

Supervisor Ellis indicated that the Town has a leash law and the Town Board is aware of this problem and is currently working on addressing the issue regarding unleashed dogs at the park.

Ms. Tasner announced a meat raffle fundraiser for the Cambria Opposition Group to be held on May 5th at the Knights of Columbus Hall on Erie Ave. in NT. Pelicano's will be providing the meat.

NEW BUSINESS

MOUNT VIEW CEMETERY RULES/REGULATIONS/FEE SCHEDULE

Supervisor Ellis indicated that changes to the cemetery rules and regulations haven't been made since 2017 and they were in need up updating. Some of the fees have been changed to keep in line with the other local Niagara County cemeteries. The Town has also made a cremains garden in a location of the cemetery that will not allow for deeper graves.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the Mount View Cemetery Rules/Regulations/Fee Schedule Draft dated 3/21/2023 and will take effect 4/14/2023.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

WRIGHT H. ELLIS voting AYE
MATTHEW P. FOE voting AYE
RANDY ROBERTS voting AYE
JEFFREY S. HURTGAM voting AYE

BENJAMIN D. MUSALL voting AYE

The Resolution was thereupon declared duly adopted.

ACCOUNTING SOFTWARE PROPOSAL

Supervisor Ellis reported that the Town has been looking into accounting software programs in order to make the process more efficient and possibly more secure. The amount for the software was budgeted however after a presentation from the company the Town is deciding to add a couple more modules to the package.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the proposal dated 3/29/2023 from Brisbane Consulting Group, LLC for fund accounting software services and training in the amount of \$86,300.00. Part will be paid in 2023 and the remainder in 2024.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

WRIGHT H. ELLIS voting AYE
MATTHEW P. FOE voting AYE
RANDY ROBERTS voting AYE
JEFFREY S. HURTGAM voting AYE
BENJAMIN D. MUSALL voting AYE

The Resolution was thereupon declared duly adopted.

TOWN DITCHING PETITION

Councilman Foe reported that there have been some misunderstandings about past practices and what was acceptable with regard to the Town's Ditching policy. The new ditching petition procedure more accurately tracks ditching requests and whether they are a primary, secondary, or landscaping job. There will be a number associated with it as well indicating what the Town's responsibility will be and the landowner's responsibility regarding the spoils, brush, etc.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the changes and updates to the Town's Ditching Policy and Petition as presented by the committee.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PERSONNEL MATTERS

Supervisor Ellis is in receipt of a letter of resignation from Amanda Alexander, Account Clerk effective Friday, April 14, 2023.

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam it was resolved to accept with regret, the resignation dated March 30, 2023, of Account Clerk, Amanda Alexander effective April 14, 2023.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASES

2023-10 GENERAL

Heat Unit for comfort station

- | | |
|---------------------------------------------------------------|--------------------|
| 1. Isaac HVACR-Rochester | \$15,400.00 |
| 2. Krull Heating & Cooling- Cambria | \$13,000.00 |
| 3 <i>Steve's Heating & Air Conditioning-Niagara Falls</i> | <i>\$12,600.00</i> |

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the purchase of heating unit for the Town Park comfort station in the amount of \$12,600.00.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-19 GENERAL

Electric to Power Cameras to power remaining cameras at the Town Park.
Town work force will do the trenching for this project.

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| 1. <i>MH Thilk Electric-Wilson</i> | <i>\$10,201.00</i> |
| 2. Brown Electric-Pendleton | \$40,180.00 |
| 3. Modern Electric-Lockport | NO BID |

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the proposal from MH Thilk Electric-Wilson to install electric to power cameras at the Town Park in the amount of \$10,201.00.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-18 GENERAL

Electric to Town Park shelters.
Town work force will do the trenching for this project.

- | | |
|------------------------------------|--------------------|
| 1. <i>MH Thilk Electric-Wilson</i> | <i>\$32,658.30</i> |
| 2. Brown Electric-Pendleton | \$69,580.00 |
| 3. Modern Electric-Lockport | NO BID |

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to approve the proposal from MH Thilk Electric-Wilson to install electric to Town Park shelters in the amount of \$32,658.00.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-16 WATER

Water Meters and AMR's
To replace meters that are no longer working properly.

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|------------------------------------|-------------|
| 1. Moley Industries (sole source): | \$85,304.25 |
|------------------------------------|-------------|

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the sole source purchase from Moley Industries for water meters and AMR's in the amount of \$85,304.25.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-17 HIGHWAY

Kinetic Recovery Rope- chains are dangerous

1. Full Pull Rope-Black River Falls, WI	\$1,699.00
2. Yankum Ropes-Burley, ID	\$1,439.99
3. <i>Zip's AW Direct-New Hampton, IA</i>	<i>\$1,354.99</i>

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to approve the purchase from Zip's AW Direct, New Hampton, IA for Kinetic Recovery Rope in the amount of \$1,354.99.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Roberts. Time: 7:40 0pm.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk