

Approved

TOWN OF CAMBRIA TOWN BOARD

December 14, 2023

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 14th day of December 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
Gary Billingsley, Attorney
Steven Kroening, Highway Superintendent
41 Interested Individuals

Following salute to the flag, Supervisor Ellis opened the public hearing on the Town of Cambria 2024 Drainage District:

**TOWN OF CAMBRIA DRAINAGE DISTRICT
Notice of Public Hearing**

Bridge NY Culvert Replacement Project over
E. Branch of Twelve Mile Creek, Town of Cambria
PIN 5765 05 consisting of replacement of existing culvert,
rebuilding the road over the culvert, acquisition of
Rights of Way and Temporary Easements and
all appurtenances thereto

PLEASE TAKE NOTICE that the Town Board of Cambria, Niagara County, New York at a Regular Meeting at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the 14th day of December, 2023 at 7:00 PM a Public Hearing will be held on a certain Map, Plan and Report and estimate of costs relating to Bridge NY Culvert Replacement Project over E. Branch of Twelve Mile Creek, Town of Cambria PIN 5765 05 consisting of replacement of existing culvert, rebuilding the road over the culvert, acquisition of Rights of Way and Temporary Easements and all appurtenances thereto as shown on the Map, Plan, and Report proposed by Wendel (Engineers and Architects) for the Town of Cambria Drainage District of said Town at an estimated maximum cost of \$871,036.00 and environmental considerations 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.

Supervisor Ellis gave a brief background on the project and then opened the public hearing for comments.

As there were no comments from the public, the public hearing was closed.

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

TOWN OF CAMBRIA WATER DISTRICT

Notice of Public Hearing

New York State Department of Transportation Project
of Intersection Improvements NY Route 104 Ridge Road
at NY Route 93 Lockport Townline Road, Town of Cambria
and Lockport, Niagara County
PIN 5045.27, D265162 in the Town of Cambria
which includes modification of existing Town of Cambria
Water District facilities to wit:
installation of a casing pipe, waterline, valves, ductile
iron fittings, and related appurtenances

PLEASE TAKE NOTICE that the Town Board of Cambria, Niagara County, New York at a Regular Meeting at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the 14th day of December, 2023 at 7:05 PM a Public Hearing will be held on a certain Map, Plan and Report and estimate of costs relating to New York State Department of Transportation Project of Intersection Improvements NY Route 104 Ridge Road at NY Route 93 Lockport Townline Road, Town of Cambria and Lockport, Niagara County PIN 5045.27, D265162 in the Town of Cambria which includes modification of existing Town of Cambria Water District facilities to wit: installation of a casing pipe, waterline, valves, ductile iron fittings, and related appurtenances thereto as shown on the Map, Plan, and Report proposed by Wendel (Engineers and Architects) for the Town of Cambria Water District of said Town at an estimated maximum cost of zero dollars (\$0.00) and environmental considerations 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, gave a brief background on the project and then opened the meeting up for public comment.

Supervisor Ellis opened the public hearing for comments.

As there were no comments from the public, the public hearing was closed.

7:10 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 Foe and seconded by Councilman Roberts it was resolved to approve the minutes of the Town Board meetings of 11/9/2023-work and regular Special Meetings of 12/6/2023 and 12/11/2023.

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:

December 14, 2023	CLAIM NUMBERS ALL FUNDS 417-517	ACCOUNT
Drainage		\$ 3,231.34
Fire (special district)		\$ 8,815.00
General		\$ 175,207.14
Highway		\$ 73,387.25
Refuse		\$ 26,440.72
Sewer Construction		\$ 29,772.50

Sewer Operating		\$ 11,649.34
Water Construction		\$ 917.39
Water Operating		\$ 33,455.53

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved that the abstract of audited vouchers dated November 9, 2023, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Supervisor Ellis indicated that the Town took out a bond anticipation notice for the refuse carts about three years ago as part of the Modern contract. The Town made two payments on it and the third one was due in November. The Town decided that since it had money in the Refuse Reserve Fund and interest rates have increased, it would pay off the total amount of \$69, 600.00, thus saving over \$3,500.00 in a future interest payment.

The Supervisor is requesting an amendment to the 2023 Town of Cambria Refuse Budget, increasing the BAN Principal, SR9370.06, from \$23,200.00 to \$69,600.00 and BAN Interest, SR9370.07, from \$1,400.00 to \$3,186.00 for total Debt Services of \$72,786.00 and increase appropriated fund balance to \$555,886.00.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve an amendment to the 2023 Town of Cambria Refuse Budget, increasing the BAN Principal, SR9370.06, from \$23,200.00 to \$69,600.00 and BAN Interest, SR9370.07, from \$1,400.00 to \$3,186.00 for total Debt Services of \$72,786.00 and increase appropriated fund balance to \$555,886.00.

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

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

The Resolution was thereupon declared duly adopted.

BRIDGE NY CULVERT REPLACEMENT PROJECT

(DRAINAGE) BOND RESOLUTION DATED DECEMBER 14, 2023

A RESOLUTION AUTHORIZING THE REPLACEMENT OF THE EXISTING CULVERT SITUATE ON BAER ROAD IN THE TOWN OF CAMBRIA, NEW YORK TOGETHER WITH REBUILDING THE ROAD OVER THE CULVERT, ACQUISITION OF RIGHTS-OF-WAY, TEMPORARY EASEMENTS AND ALL APPURTENANCES THERETO THROUGH A BRIDGE NY CULVERT REPLACEMENT PROJECT OVER THE EAST BRANCH OF 18 MILE CREEK, TOWN OF CAMBRIA PIN 576505 AS SHOWN ON THE MAP, PLAN AND REPORT PREPARED BY WENDELL (ENGINEERS AND ARCHITECTS) FOR THE TOWN OF CAMBRIA DRAINAGE DISTRICT OF SAID TOWN AND AN ESTIMATED MAXIMUM COST OF \$871,036.00 AND AUTHORIZING THE ISSUANCE OF \$871,036.00 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF

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 Drainage District in said Town, and

WHEREAS, it is now desired to authorize the replacement of the existing culvert situate on Baer Road in the Town of Cambria, New York together with rebuilding the road over the culvert, acquisition of rights-of-way, temporary easements and all appurtenances thereto through a Bridge NY Culvert Replacement Project over the East Branch of 18 Mile Creek, Town of Cambria PIN 576505 as shown on the Map, Plan and Report prepared by Wendell (Engineers

and Architects) for the Town of Cambria Drainage District of said Town and an estimated maximum cost of \$871,036.00 and authorizing the issuance of \$871,036.00 serial bonds of said Town to pay the cost thereof in accordance with the aforesaid order.

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

Section 1. The replacement of the existing culvert situate on Baer Road in the Town of Cambria, New York together with rebuilding the road over the culvert, acquisition of rights-of-way, temporary easements and all appurtenances thereto through a Bridge NY Culvert Replacement Project over the East Branch of 18 Mile Creek, Town of Cambria PIN 576505 as shown on the Map, Plan and Report prepared by Wendell (Engineers and Architects) for the Town of Cambria Drainage District of said Town at an estimated maximum cost of \$871,036.00 and authorizing the issuance of \$871,036.00 serial bonds of said Town to pay the cost thereof, in and for the Cambria Drainage District of the Town of Cambria, Niagara County, New York, as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$871,036.00 and the plan for the financing thereof is \$871,036.00 by the issuance of the serial bonds of said Town 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 said 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 said Town of Cambria Drainage District 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 said Town 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 said Town 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 adopt the Bond Resolution dated 12/14/2023 authorizing Bridge NY Culvert Replacement project over E. Branch of Twelve Mile Creek, Town of Cambria PIN 5765 05 and in accordance with the provisions of Section 202-b of the Town Law (NYS Law).

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

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

The Resolution was thereupon declared duly adopted.

BRIDGE NY RESOLUTION BY TOWN OF CAMBRIA

(Culvert Project – Municipality Administered)

Authorizing the implementation and funding of 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds.

WHEREAS a project for the Bridge NY Culvert Replacement, Baer Road over E Branch of Twelve Mile Creek, P.I.N. 5765.05 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0 % non-Bridge NY funds; and

WHEREAS the Town of Cambria will design, let, and administer all phases of the Project.

WHEREAS the Town of Cambria desires to advance the Project by making a commitment of 100% of the costs of all phases of work for the Project or portions thereof.

NOW, THEREFORE, the Town of Cambria Town Board, duly convened does hereby,

RESOLVE, that the Town of Cambria Town Board hereby approves the Project; and it is hereby further

RESOLVED, that the Town of Cambria Town Board hereby authorizes the Town of Cambria to pay 100% of the cost of all phases of work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

RESOLVED, that the sum of \$871,036.00 is hereby appropriated from the Drainage District Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Town of Cambria Town Board hereby agrees that the Town of Cambria shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Cambria; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Town of Cambria Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification thereof, and it is further

RESOLVED, that the Town of Cambria Town Board hereby agrees that the Town of Cambria hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Town Supervisor of the Town of Cambria be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Cambria in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs, and it is further

RESOLVED, that the Town of Cambria will be responsible for all maintenance of the Project; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall, it was resolved to adopt the Bridge NY Resolution authorizing the implementation and funding of 100% of the costs of a transportation project, namely the Bridge NY Culvert Replacement, Baer Rd. over E. Branch of Twelve Mile Creek, Town of Cambria PIN 5765 05 of which qualified costs may be reimbursed from Bridge NY Funds.

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

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

The Resolution was thereupon declared duly adopted.

BAER RD. CULVERT REPLACEMENT ENGINEERING DESIGN PROPOSAL

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the Design Proposal from Wendel dated 12/8/2023, for proposed contract, scope and fee for Baer Rd. Culvert replacement which is being funded by NYSDOT. This includes services during construction in the amount of \$294,060.00; 40% of this fee is minority subconsultants to meet the 36% goal of the state grant.

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

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

The Resolution was thereupon declared duly adopted.

NYSDOT PROJECT ROUTES 93/104/STONE RD. INTERSECTION

(WATER) BOND RESOLUTION DATED DECEMBER 14, 2023

A RESOLUTION AUTHORIZING THE MODIFICATION OF EXISTING TOWN OF CAMBRIA WATER DISTRICT FACILITIES TO WIT: INSTALLATION OF A CASING PIPE, WATER LINE, VALVES, DUCTILE FITTINGS, AND RELATED APPURTENANCES AS PART OF NYS DEPARTMENT OF TRANSPORTATION PROJECT OF INTERSECTION IMPROVEMENTS NY ROUTE 104 RIDGE ROAD AT NY ROUTE 93 LOCKPORT TOWNLINE ROAD AS SHOWN ON THE MAP, PLAN, AND REPORT PREPARED BY WENDEL (ENGINEERS AND ARCHITECTS) FOR THE TOWN OF CAMBRIA WATER DISTRICT OF SAID TOWN AT AN ESTIMATED MAXIMUM COST OF \$40,000.00 AND AUTHORIZING THE ISSUANCE OF \$40,000.00 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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 Water District in said Town, and

WHEREAS, it is now desired to authorize the installation of a casing pipe, water line, valves, ductile fittings, and related appurtenances as part of NYS Department of Transportation Project of Intersection Improvements NY Route 104 Ridge Road at NY Route 93 Lockport Townline Road as shown on the Map, Plan, and Report prepared by Wendell (Engineers and Architects) for the Town of Cambria Water District of said Town at an estimated maximum cost of \$40,000.00 and authorizing the issuance of \$40,000.00 serial bonds of said Town to pay the cost thereof in accordance with the aforesaid order.

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

Section 1. The Project - installation of a casing pipe, water line, valves, ductile fittings, and related appurtenances as part of NYS Department of Transportation Project of Intersection Improvements NY Route 104 Ridge Road at NY Route 93 Lockport Townline Road as shown on the Map, Plan, and Report prepared by Wendell (Engineers and Architects) for the Town of Cambria Water District of said Town at an estimated maximum cost of \$40,000.00 and authorizing the issuance of \$40,000.00 serial bonds of said Town to pay the cost thereof as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$40,000.00 and the plan for the financing thereof is \$40,000.00 by the issuance of the serial bonds of said Town 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 said 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 said Town of Cambria Drainage District 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 said Town 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 said Town 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 adopt the Bond Resolution authorizing the modification of existing Town of Cambria Water District facilities as part of the NYSDOT project of Intersection Improvements at the NYS Routes 91/104/Stone Road in accordance with the provisions of section 202-b of Town Law (NYS Law).

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

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

The Resolution was thereupon declared duly adopted.

Supervisor Ellis indicated that as part of the project he had to sign the Utility Work Agreement as required by NYS DOT. This was signed ahead of the meeting on 11/14/2023 as there was a timeline.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to ratify the Supervisor's signature on the NYS DOT Utility Work Agreement dated 11/14/2023.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

LOCKPORT ROAD SEWER EXTENTION

Tim Walck, Wendel gave a brief background of the project and indicated that the Town has been awarded a \$500,000.00 grant from Empire State Development. This will be used to move forward with the Cambria Technology Park located on Comstock and Lockport Rds. A proposal has been submitted by Wendel for Lockport Rd. Sanitary Sewer for Design and Bidding.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the proposal from Wendel, dated 12/8/2023, in the amount of (not to exceed) \$93,500.00 for Engineering Services related to Lockport Rd. Sewer Extension and authorize the Supervisor to sign.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

WATER SUPPLY VULNERABILITY ASSESSMENT - CYBERSECURITY

Tim Walck, Wendel, gave a background on the Water Supply Vulnerability Assessment-Cybersecurity project that they were authorized to work on in November. Mr. Walck reported that the work is 98% done and should be complete by the end of the year.

FAIR VILLIAGE SEWER REPLACEMENT PROJECT

Tim Walck, Wendel, indicated that the Fair Village Sewer Replacement has been completed by NFP and Sons and the restoration will be done next spring.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve Change Order #1 Contract No. 2023-1 (due to not anticipated removal of rock and realignment of existing waterline) in the amount of \$38,511.08. This also includes extending the final completion date to 5/31/2024 for the restoration. Total contract price is \$223,023.58.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the Final Payment to NFP and Sons in the amount of \$204,668.70.

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

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

The Resolution was thereupon declared duly adopted.

BEAR RIDGE SOLAR PROJECT LITIGATION

Supervisor Ellis reported that there has been a change in the schedule that was requested by ORES. The Town made an appeal and because it went to the Appellate Division, Fourth Judicial Department, ORES has the responsibility of putting together all of the accumulated records over the project. Changes: proceeding to the court appearance 4/8/2024. The state has until 12/22/2023 to finish putting the records together. The Town will then have an opportunity to serve a brief on those by 1/26/2024 and then the respondent brief will be able to be filed by 3/1/2024.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- | | | |
|---------------------------------------|-----------------------|---------------|
| • Town Clerk Report November: | Total Receipts: | \$ 49,006.56 |
| • Building Inspector Report November: | Total fees collected: | \$ 3,422.60 |
| • Estimated value of construction: | | \$ 974,336.00 |

HIGHWAY SUPERINTENDENT REPORTS

Stephen Kroening, Highway Superintendent, reported as follows:

HIGHWAY:

- Snow & ice removal in progress
- Morbark Chipper sold
- Repairing and servicing equipment
- Painting almost complete in office and lunch room
- Wrapping up off road ditching unless it snows

CEMETERY:

- Burial Saturday.

WATER/SEWER

- Hydrants all flushed and drained
- A couple water services need to be installed
- Repairing and servicing equipment

TOWN PARK

- Bathrooms- switch to automatic on/off faucets and flushers
- Ice rink is flooded

BUILDING AND GROUNDS

- Town Hall Bathrooms-switch to automatic on/off faucets & flushers
- Community Room Rentals-renters to bring their own cleaning supplies & garbage bags- to be addressed at some point

ATTORNEY REPORTS

No reports.

Supervisor Ellis reported that the Town has received the Town and County tax rates and it is below \$9.00 for combined Town, County and Special Districts, which is good news.

Supervisor Ellis gave an update on the repair of fencing from an accident that took place last year behind the community building. It has been repaired and it will be submitted to the insurance company in the amount of \$3,476.80.

Supervisor Ellis reported that the Town has had trouble with their phone service through Verizon. He has contacted Spectrum, and by switching over the service, the Town will be saving initially \$600.00 a month. After a year the cost will increase an additional \$10.00 a month but it will still be a savings of \$500.00.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to authorize the Supervisor to enter into an agreement for phone services for the Town offices with Spectrum.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Supervisor Ellis read a letter written by the Highway Superintendent regarding multiple water line ruptures on Raymond Road and Cambria needed assistance. Pendleton Water/Hwy personnel stepped up and helped the Town.

**letter on file in the Town Clerk's office*

Supervisor Ellis read a letter from Robert Roberson, Town Attorney announcing his planned retirement after the 1st of the year; unfortunately, he was called out of town suddenly on a family matter which kept him from tonight's meeting. Mr. Robertson stated Cambria takes second place to no one for being friendly, capable, dedicated, cooperative, knowledgeable and willing to help whenever the need occurs. He was honored to serve the Town of Cambria and appreciates all the kindness, courtesies and help extended by Town personnel. Supervisor Ellis thanked him for his words.

**letter on file in the Town Clerk's office*

CONCERNS OF CITIZENS

Supervisor Ellis acknowledged all the government students that were in attendance.

Jim Kam-Human Road

Mr. Kam asked if there was any progress with the Banquet Hall located next door to him. Supervisor Ellis indicated that the attorney is trying to get it into court. Mr. Kam also indicated that the business to the west of him is intentionally doing damage to his property. Supervisor Ellis suggested talking to the Building Inspector and or a police report.

Sharon Tasner-Industrial Solar

Ms. Tasner and the group would like to thank Councilman Foe and Supervisor Ellis for their many years of service to the Town of Cambria. She would also like to thank the entire Town Board for their continued opposition against the Bear Ridge Solar Project.

Gina Merlo-Green Road

Ms. Merlo is petitioning the Town Board to change Columbus Day to Indigenous People Day. She presented information and it will be available if the Town Board has any questions.

Mary Brenzel-Thrall Road

Ms. Brenzel asked the Town Board how much taxpayer money was spent on the long-standing litigation between the Town and the Forsythe Tavern. Supervisor Ellis indicated that he cannot speak to that because the matter is still in litigation.

NEW BUSINESS

BURCH RD.-ABANDONMENT OF EASEMENT

Mr. Kroening, Highway Superintendent, indicated that owner of property on Burch Rd., David Cloy II has applied for a subdivision. On that piece of land, the drainage ditch runs along at an angle. He would like the Town to take the drainage easement off that property so he can straighten the ditch. He will be responsible for any issue moving forward.

RESOLUTION-ABANDONMENT OF BURCH ROAD EASEMENT

WHEREAS premises identified as SBL 77.00-1-58.3 situated on Burch Rd., Town of Cambria, Niagara County, New York owned by David Cloy, II-4269 Burch Rd., are and have been subject to an easement in favor of the Town of Cambria to accommodate a then existing drainage ditch. At this time a change of the physical location of the then existing drainage renders the above-identified easement no longer necessary for the Town of Cambria.

NOW, BE IT RESOLVED that with the new physical location of the said drainage ditch the subject easement being no longer required by said town, it is hereby declared by the Town Board of the Town of Cambria and the Town of Cambria Superintendent of Highways, that said easement is hereby abandoned by the Town of Cambria to the current owner of subject premises.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall, it was resolved to approve the resolution to abandon the easement for property SBL 77.00-1-58.3-owner David Cloy II, by the Town of Cambria to the current owner of subject premises.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

TOWN PARK PROPERTY-AGRICULTURAL LEASE

Supervisor Ellis indicated that since approximately 2000 the Town has rented unused park land to a local farmer. There has been an ongoing lease arrangement, however now it has to go out to proposal as the people who currently lease this land will now be taking part in Town Business and it wants to avoid any conflict of interest. This does not prevent anyone from submitting a proposal, but it must be advertised.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to authorize the Supervisor to advertise for proposals to lease for one year term 30 acres of the Town Park for agricultural cultivation and the raising of field crops.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

CAMBRIA ROAD CULVERT PROPOSAL

Tim Walck gave a brief description of the Cambria Road Culvert proposal. An existing culvert under Cambria Rd. is an elliptical, corrugated metal pipe that is old and has signs of rusting and deterioration. It is also partially blocked with sediment and debris. The proposal is for: survey, design and permitting services; geotechnical report/borings; wetland delineation and report; and bidding services. Total amount: \$67,500.00.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the proposal from Wendel dated 12/8/2023 in the amount of \$67,500.00 (not to exceed) to provide design and bidding services for the Cambria Road Culvert project and authorize the Supervisor to sign.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PERSONNEL

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to authorize the Supervisor to petition Niagara County Civil Service to approve the position of Typist in the Supervisor's Office and when approved, appoint Rebecca L. Cobb from the certified list to the position with no change in salary.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023 YEAR-END CLOSEOUT OF ACCOUNTS

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to authorize the Supervisor to encumber funds, pay bills and make necessary line-item transfers to close out the 2023 accounts.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

ADDITIONAL MATTERS

SURPLUS TOWN PROPERTY

Lockport Air Force Station on Shawnee Rd and Rt. 31

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to authorize the Supervisor to sign the listing agreement with Hunt Commercial for the 5.6-acre parcel at the former Lockport AFS, pending review by legal counsel.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASES

**EMERGENCY REPAIR:
WINDOW REPLACEMENT AT HISTORICAL BUILDING:
2023-39 GENERAL
1620.04**

GD WENDT BUILDERS SANBORN NY: \$3,785.00 – only able to get one proposal

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the proposal from GD Wendt Builders, Sanborn NY in the amount of \$3,785.00 for the emergency repair of damaged/broken windows at the Cambria Historical Building.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Councilman Foe announced that this was his last scheduled Town Board meeting. He wanted to thank his wife and daughter for their patience over the years with all the trials and tribulations and late-night phone calls. The majority of the community had the confidence in him to visit him at home; he welcomed it. Being an elected official offers a unique way to communicate with people you don't agree with, and this has taught him quite a bit in his life. It has been a pleasure to work with this current Town Board. They are all intelligent men who think differently than he does and have opened his eyes to things. He also thanked the Town residents for their support. It is not as easy job as it looks like from the outside, but he is also honored and humbled to have served the town.

Supervisor Ellis also announced that he is stepping down after 32 years. He thanked the citizens of the Town of Cambria for trusting and honoring him with this position. Just like any job there are ups and downs and his biggest disappointment is that the Bear Ridge Solar Project has not been successfully resolved. Supervisor Ellis mentioned he is the Chief Financial Officer of the Town and took that very seriously. He is proud of the fact that the Town has very strong reserves in every fund, so going forward the Town has great financial strength. This served the Town very well during covid. Supervisor Ellis thanked the Town Board and said that Board members have been very good at bringing up a variety of opinions and the decisions being made represent the people. He then thanked his wife of 50 years for the support during his time as Supervisor and before that, the support in his 26-year career in the Navy.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Foe08. Time: 8:05 pm.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk
Tamara J. Cooper, Town Clerk