

TOWN OF CAMBRIA TOWN BOARD

January 10, 2019

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 10<sup>th</sup> day of January 2019 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  
Randy M. Roberts, Councilman  
Joseph Ohol, Councilman

**ALSO PRESENT:**

Tamara J. Cooper, Town Clerk  
Jon MacSwan, Highway Superintendent  
Robert Roberson, Attorney  
9 interested individuals

Following salute to the flag, 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 Hurtgam, it was resolved to approve the minutes of the Town Board meetings of December 13, 2019.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**APPROVAL OF VOUCHERS**

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

**December 31, 2018**

General	563-613	\$42,522.96
Highway	195-200	\$22,314.02
Refuse	21	\$30,132.99
Sewer Operating	42-46	\$9,267.28
Trust Agency	33-35	\$837.95
Water Operating	188-202	\$10,362.15

**January 10, 2019**

Cemetery	1	\$1,000.00
General	1-31	\$146,988.06
Highway	1-2	\$9,846.55
Sewer Operating	1	\$23.20
Trust Agency	1	\$3,190.32
Water Construction	1	\$560.00
Water Operating	1-5	\$52,499.03

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe it was resolved that the abstract of audited vouchers dated December 31, 2018 & January 10, 2019, be approved as read by the Town Clerk.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**TOWN OF CAMBRIA RE-ORGANIZATIONAL MEETING**

**JANUARY 10, 2019**

- 1. Town Board Meeting** 2nd Thursday of each month at 7 PM at the Town Hall;  
Work meeting as scheduled
- 2. Planning Board Meeting** 3rd Monday of each month at 7 PM at the Town Hall; Exceptions due to  
conflicts relating to certain holidays:
- 3. Zoning Board Meeting** 4th Monday of each month at 7 PM at the Town Hall; Exceptions due to  
conflicts relating to certain holidays:

4. **Newspaper Publications** Authorize advertising in Union Sun & Journal or Niagara Gazette, as needed
5. **Official Banks** KeyBank (Sanborn/Cambria) for Town Justices  
M & T Bank (Lockport) for all other departments
6. **Authorize Supervisor to invest money in accordance with the Investment Policy as reviewed and approved**
7. **Approve 2019 Fee Schedule**
8. **Approve Personnel Policies and Benefits Schedule, Delete CSC Position No. 00006646, Motor Equipment Operator.**
9. **Authorize Department Heads and Elected Officials and/or their designees to attend monthly and regional association meetings / training schools as scheduled.**

**10. APPOINTMENTS:**

<b>Assessment Review Board</b>	Accept resignation of Krista Howland as she no longer is a Town of Cambria Resident
<b>Buildings-Grounds Maintenance Manager</b>	Jon T. MacSwan, one-year term
<b>Cambria Housing Authority</b>	
<b>Cemetery Superintendent</b>	Jon T. MacSwan, one-year term
<b>Cemetery Supt. Assistant</b>	Steven M. Kroening, one-year term
<b>Computer Tech. Committee</b>	Matthew P. Foe, one-year term Lynn J. Schlemmer, one-year term
<b>Drainage Committee</b>	Matthew P. Foe, one-year term Joseph Ohol, one-year term Steven M. Kroening, one-year term Jon T. MacSwan, one-year term
<b>Ethics Board</b>	Tamara J. Cooper Three-year term expiring 12/31/21
<b>Highway Foreman</b>	Steven M. Kroening, one-year term
<b>Justice Court Clerks</b>	Joy W. Caldwell, one-year term M. Sandra Jowdy, one-year term
<b>Planning Board Chairman</b>	William J. Amacher, one-year term
<b>Planning Board Member</b>	Gerald E. Kroening Five-year term expiring, 12/31/23
<b>Planning Board Alternate</b>	Michael Sieczkowski, one year term
<b>Records Management Officer</b>	Tamara J. Cooper, one-year term
<b>Water-Sewer Department Manager</b>	Jon T. MacSwan, one-year term
<b>Water-Sewer Department Foreman</b>	Daniel S. Shoop, one-year term
<b>Zoning Board of Appeals Chairman</b>	Peter A. Smith, one-year term
<b>Zoning Board of Appeals Member</b>	Harmony Retzlaff-Hurtgam, Five-year term expiring, 12/31/23
<b>Zoning Board Alternate</b>	Cheryl L. Shoop, one-year term

11. **Approve the 2019 Town of Cambria Volunteer Firemen's Service Award point system for Cambria and Pekin Fire Companies**

**12. Authorize Supervisor to sign and pay contracts/agreements as follows:**

Cambria Housing Authority	10,000.00
Dale Association	5,000.00
Friendship Club	1,000.00
Inter-Community Services	250.00
Niagara Community Action Program	2,500.00

Niagara Military Affairs Council (NIMAC)	1,500.00
Ransomville Library	4,065.00
S P C A of Niagara County	10,224.00
Sanborn-Pekin Library	35,000.00
Sanborn Post 969 - American Legion	500.00
Sanbornites	4,000.00
Union Cemetery of Northeast Cambria	1,000.00

**13. Authorize Supervisor to pay all utilities, refuse, medical insurance, authorized payroll deductions, charge account invoices and postage as billed**

**14. Designation of C. W. Baker Insurance Agency, Inc. as Agent for Town Insurance**

**15. Authorize Supervisor to hire Engineer and Attorney as needed**

**16. Authorize rate of pay (annual) for Town Employees-Officers as follows:**

Administrative Assistant	60,755.00	Historian	3,575.00
Assessor	44,475.00	Historian - Deputy	1,430.00
Budget Officer	3,160.00	Records Management Officer	1,965.00
Building Inspector	27,850.00	Recreation Director	35,000.00
Building/Grounds Manager	2,935.00	Registrar Vital Stats	1,160.00
Cemetery Superintendent - Assistant	1,989.00	Registrar Vital Stats - Deputy	610.00
Foreman - Highway	1,446.16	Sewer-Water Manager	1,973.00
Foreman - Sewer - Water	3,936.48	Tax Collector - Deputy	1,560.00
		Town Clerk - Deputy I	37,338.00

**17. Authorize pay rates for Town Employees as follows:**

Department	Position	Full Time per hour	Seasonal per hour
<b>Highway</b>	Laborer	-----	11.10
	Mechanic	24.96	-----
	Truck Driver	N/A	11.50 to 12.00
	Motor Equipment Operator	24.96	-----
<b>Water - Sewer</b>	Laborer	14.00	11.10
	Maintenance - Sewer	24.96	-----
	Maintenance -Water	24.96	-----

- 18. Elections - Voting Machine Inspectors 20.00 per machine/per occasion
- 19. Assessment Review Board - Member 105.00 first day
- Secretary 85.00 additional day(s)
- 13.57 per hour
- 20. Planning Board - Chairman 110.00 meeting
- Member 72.00 meeting
- Alternate 30.00 meeting
- 21. Zoning Board - Chairman 110.00 meeting
- Member 72.00 meeting
- Alternate 30.00 meeting
- 22. Executive Secretary 19.20 per hour
- 23. Groundsperson I 11.95 per hour
- 24. Groundsperson II 11.45 per hour
- 25. Highway Clerk 15.00 per hour
- 26. Justice Clerk 19.10 per hour
- 27. Justice Court Officers 21.00 per hour
- 28. Laborer - Buildings 14.30 per hour
- 29. Laborer - Town Park 11.10 per hour
- 30. Real Property Appraisal Aide 15.85 per hour
- 31. Town Clerk - Deputy II 15.25 per hour
- 32. Water Clerk 15.85 per hour

**33. Payroll Schedule:**

- *General, Highway, Water, Sewer, Drainage and Summer Recreation are paid bi-weekly.*
- *Monthly positions are processed with the last bi-weekly pay of the month.*

**34. Terms specified for one year will expire 12/31/2019.**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the January 10, 2019, re-organizational appointments, meeting schedules, salary schedules and various authorizations numbered 1-34.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

## SUPERVISOR/TOWN CLERK/ APPOINTMENTS

Supervisor Ellis announced the following appointments:

- Matthew Foe, Deputy Town Supervisor
- Town Board Liaison Appointments:
  - Councilman Matthew Foe, Highway, Water and Sewer Departments
  - Councilman Jeffrey S. Hurtgam, Youth Programs & Town Park
  - Councilman Randy Roberts, Planning Board
  - Councilman Joseph Ohol, Zoning Board of Appeals

On behalf of the Tax Collector Debbie Littere, Janelle Kroening has been appointed as the Deputy Tax Collector for 2019.

Town Clerk, Tamara J. Cooper, announced the following appointments.

*Deputy Clerk terms run concurrent with the Town Clerk's term of office*

- Paula N. Jones, Deputy Clerk I- *expires 12/31/2021*
- Jennifer L. Wrate, Deputy Clerk II- *expires 12/31/2021*

Highway Superintendent, Jon MacSwan, announced the following Highway appointment:

- Steven Kroening, Deputy Highway Superintendent

## ANNUAL FINANCIAL REPORT SUBMITTAL

Supervisor Ellis indicated Town Board authorization is required to permit the submittal to the Town Clerk of the Annual Report which is provided to the State Comptroller by March 31<sup>st</sup>.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to authorize the Town Supervisor to submit to the Town Clerk a copy of the annual financial report for 2018 within the time frame, including any extensions allowed by the State Comptroller, as set forth in the Town Law and the General Municipal Law.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts                    -Motion Carried-**

## FIRE COMPANY 2019 ROSTERS

Supervisor Ellis reported the Town's email has been down all day and 2019 Fire Company Rosters have not been received. They will be approved pending the receipt and review by the Town Clerk's office.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to approve the 2019 Pekin Fire Company and Cambria Fire Company Rosters after receipt and review by the Town Clerk.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts                    -Motion Carried-**

Jamie Johnson, Wendel Engineers, reported on the following:

## SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT

- Wendel is applying to the County for a highway work permit so their survey crews can go out and survey the area.
- Following up with the DEC on a review comment received on the 2018 WIIA grant application.

## KAUSNER SHENK ROAD SUBDIVISION

Mr. Metzger, Metzger Civil Engineering, was present representing Mr. Joseph Kausner. He gave a brief presentation regarding the request to amend and modify the subdivision and site plan approval previously granted for a Planned Development District.

*-SBL No. 134.00-1-1.9 located on the south side of Shenk Rd. containing 3.4 acres*

The Town of Cambria Planning Board is recommending that the Town Board amend the Subdivision Approval and Site Plan Approval for the above listed parcel; this decision took place at the December 17, 2018, Planning Board Meeting.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved designate the Town Board as Lead Agent under SEQR for purposes of reviewing the application and to find a Negative Declaration for an environmental impact.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts                    -Motion Carried-**

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the recommendation of the Town of Cambria Planning Board as set forth in a letter dated December**

**28, 2018, namely the request to reduce the frontage on each of the three (3) lots having frontage on Shenk Road from 105 feet to 95 feet, and establishing a strip of 30 feet to provide access to Shenk Road for the fourth lot of said subdivision, which lot currently does not contain any frontage. Also that if need be the applicant will be required to install an oversize water line and that provision be made for adequate access for firefighting equipment as determined by the Cambria Water District and the Building Inspector.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts                    -Motion Carried-**

**TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report December:                    Total Receipts: \$29,642.68
- Town Clerk Report YE 2018                    Total Receipts: \$53,002.26  
   Total Water Receipts: \$454,366.98
  
- Building Inspector Report December:                    Total fees collected: \$ 1,350.00  
   Total estimated value of construction: \$8,300.00
- Mount View Cemetery YE 2018                    Total Receipts: \$10,150.00
  
- In receipt of a request from Pekin Fire Company to add Kyle Scalzo-7409 Packard Road, Niagara Falls-to their active roster. Physical paperwork has not been received.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the addition of Kyle Scalzo, 7409 Packard Road, Niagara Falls, to Pekin Fire Company's active roster pending receipt physical paperwork.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts                    -Motion Carried-**

**HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent, Jon MacSwan, reported as follows:

- In receipt of a letter from the Commissioner of Public Works authorizing Mr. MacSwan to finish up a ditching job on Baer Road that was started two years ago. Requesting approval from the Town Board to access land located on Baer Road in order to access the drainage ditch and preform work needed.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to authorize the Highway Superintendent to access surrounding land located near Lower Mountain Road and Baer Road in order to address drainage issues that affect certain property owners in that area; this is in accordance with the provisions of Section 147(1) of the New York State Highway Law.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts                    -Motion Carried-**

- In receipt of a letter from Wendt's Propane and Oil stating that they will meet or be less than state bid. It will not be a lot since the Town converted over to gas. The generators use propane and the old town hall uses oil.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to accept the proposal from Wendt's Propane and Oil to provide propane and heating oil at or below the respective NYS Bid price for 2019.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts                    -Motion Carried-**

- Drainage Committee Meeting on Tuesday, January 15, 2019, at 9:00 am at the Town Hall

**WATER SEWER REPORTS**

No Reports.

**ATTORNEY REPORTS**

No Reports.

**CONCERNS OF CITIZENS**

Supervisor Ellis acknowledged two Starpoint School students in attendance for Participation in Government Class.

**David Edbauer-4715 Plank Road**

Mr. Edbauer asked if there was any update on the moratorium on wineries, breweries, distilleries, and meaderies. Supervisor Ellis indicated that the committee is preceding and have another meeting scheduled next week. The proposed changes will then be sent to Agriculture & Markets for their review.

Mr. Edbauer asked if the Supervisor would be able to share any of the proposed changes. Supervisor Ellis stated that he would rather wait until the Town Board gets the okay from Ag. & Markets. Mr. Edbauer indicated that it is understood that Ag. & Markets has the final say; it would be nice for the community to have a general idea as to what some of the proposed changes may be ahead of time.

Supervisor Ellis reported that as a general rule, wineries, breweries, distilleries, and meaderies establishing themselves in the Town would be going through a site plan review and special permitting process. Councilman Foe indicated that the committee suggested nothing that will negatively influence people from coming to Cambria. Looking at the bigger picture, Councilman Foe added, they will be addressing set back issues, potential parking issues, and related issues etc. Ag & Markets has to look at the changes because of the requirement to go to the special permit process and to ensure that it is not too restrictive for a new winery. The committee is looking at a special events permit for large scale public events and will have an exemption along the wine trail (any event along the wine trail will not be included). Will be setting up a provision to speed up the special permit process. Unfortunately, this is all driven by the activities of one winery that has caused a lot of issues within the Town; the other wineries operate within the rules.

Mr. Edbauer asked if there will be a noise ordinance. Supervisor Ellis indicated that it will be a separate issue that will hopefully be issued at the same time. Mr. Edbauer asked if all other ag. businesses will have to fall under the same rules. Supervisor Ellis said yes and they should not see any impact. Parking is addressed in the current Zoning Ordinance.

Mr. Edbauer indicated that at the Town Board work session the Supervisor and Town Board members all listed things they wanted to focus on for the upcoming year. He thought that it was very useful and each Board member mentioned something that showed off their strength. He asked if the Town Board would share their thoughts to let the residents know what they are all about. Supervisor Ellis indicated that they are not prepared to do that at this time.

**PROCLAMATION**

Resolution Supporting the Niagara Post Theater Inc.ø Niagara River  
Greenway Application for Renovation of the Movie Theater at Fort Niagara State Park

WHEREAS, Niagara Post Theater Inc. (501c3) is applying to the Niagara River Greenway with a grant application to assist in the renovation of the legacy Military Movie Theater in Fort Niagara State Park into a Performing Arts center through a public/private partnership under the New York State Parks Adaptive-Reuse criteria. This structure is located in the center of the Fort Niagara State Park within the boundaries of the Niagara River Greenway corridor adjacent to the Niagara River Greenway trail system. The emphasis of the project is to offer a venue to support education, entertainment, assembly and interpretive opportunities within the Park and for surrounding communities.

THEREFORE, be it resolved that the Town Board of the Town of Cambria hereby does approve and endorse the Greenway Application for the assistance of the renovation of the legacy Military Post Theater project by Niagara Post Theater Inc. This project exemplifies the vision, principles, goals, focus and intent of the Niagara River Greenway Plan. The effective use of an existing State resource gives rise to economic opportunities for the region and is an excellent use of the funds associated with community well-being and development.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the above resolution endorsing the Greenway Application for the assistance of the renovation of the legacy Military Post Theater project by Niagara Post Theater Inc.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Roberts.  
Time: 7:35 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk