

TOWN OF CAMBRIA TOWN BOARD

January 5, 2017

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 5<sup>th</sup> day of January 2017 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

**BOARD MEMBERS PRESENT:**

Wright H. Ellis, Supervisor  
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  
Jamie Johnson, Wendel  
10 interested persons

*Absent:*  
*Matthew Foe, Councilman*

Following salute to the flag, Supervisor Ellis called the regular meeting to order. The 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 meeting of December 8, 2016- work meeting; December 8, 2016- regular meeting; December 22, 2016-special meeting.**

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

**-Motion Carried-**

**APPROVAL OF VOUCHERS**

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

December 31, 2016

|                             |        |         |              |
|-----------------------------|--------|---------|--------------|
| Cemetery Fund               | Claim  | 15      | \$ 14.11     |
| General Fund                | Claims | 556-608 | \$ 45,304.84 |
| General Reserve Fund        | Claim  | 2       | \$ 28,900.00 |
| Highway Fund                | Claims | 228-241 | \$ 4,261.79  |
| Recreation Fund             | Claim  | 77      | \$ 1,147.47  |
| Refuse Fund                 | Claims | 19-20   | \$ 31,891.43 |
| Sewer Operating Fund        | Claims | 45-50   | \$ 2,261.34  |
| Town Park Construction Fund | Claims | 18      | \$ 426.00    |
| Trust & Agency              | Claims | 32-33   | \$ 667.62    |
| Water Construction Fund     | Claims | 27      | \$ 28,128.20 |
| Water Operating Fund        | Claims | 187-206 | \$ 3,959.11  |

January 5, 2017

|                     |        |      |              |
|---------------------|--------|------|--------------|
| Cemetery Fund       | Claim  | 1    | \$ 1,000.00  |
| General Fund        | Claims | 1-15 | \$ 21,398.84 |
| Highway Fund        | Claim  | 1    | \$ 64.44     |
| Trust & Agency Fund | Claim  | 1    | \$ 44,600.00 |

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved that the abstract of audited vouchers dated December 31, 2016 and January 5, 2017, be approved as read by the Town Clerk.**

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

**-Motion Carried-**

**RE-ORGANIZATIONAL RESOLUTIONS**

The following re-organizational appointments, meeting schedules, salary schedules and various authorizations, numbered 1-35 were presented for the Board's consideration:

- 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 2017 Fee Schedule**
- 8. Authorize Department Heads and Elected Officials and/or their designees to attend monthly and regional association meetings / training schools as scheduled.**

**9. APPOINTMENTS:**

|  |   |
|--|---|
| <b>Assessment Review Board</b>               | Thomas Gregson, term to expire 9/30/21  |
| <b>Buildings-Grounds Maintenance Manager</b> | Jon T. MacSwan, one-year term   |
| <b>Cambria Housing Authority</b>             | Patricia Shepherd, term to expire 4/18/21   |
| <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<br>Lynn J. Schlemmer, one-year term   |
| <b>Drainage Committee</b>                    | Matthew P. Foe, one-year term<br>Joseph Ohol, one-year term<br>Steven M. Kroening, one-year term<br>Jon T. MacSwan, one-year term |
| <b>Ethics Board</b>                          | Paul G. Freatman<br>Three-year term expiring 12/31/19   |
| <b>Highway Foreman</b>                       | Steven M. Kroening, one-year term   |
| <b>Justice Court Clerks</b>                  | Joy W. Caldwell, one-year term<br>M. Sandra Jowdy, one-year term  |
| <b>Planning Board Chairman</b>               | William J. Amacher, one-year term   |
| <b>Planning Board Member</b>                 | William J. Amacher<br>Five-year term expiring 12/31/21  |
| <b>Planning Board Alternate</b>              | Garret Meal, one year term  |
| <b>Records Management Officer</b>            | Tamara J. Cooper, one-year term   |
| <b>Baseball Director</b>                     | Rodney J. Hogg, one-year term   |
| <b>Town Park-Youth Program Chairman</b>      | George J. Bush, one year term   |

|  |  |
|--|--|
| <b>Town Park-Youth Program Committee</b> | Margaret A. Mayer, one year term<br>John W. Phillips, one year term<br>Raymond Schulz, one year term<br>Thomas H. Seefeldt, one year term<br>Susan R. Wendt, one year term |
| <b>Water-Sewer Department Manager</b>    | Jon T. MacSwan, one-year term  |
| <b>Water-Sewer Department Foreman</b>    | Randall J. Shoop, one-year term  |
| <b>Zoning Board of Appeals Chairman</b>  | Peter A. Smith, one-year term  |
| <b>Zoning Board of Appeals Member</b>    | Bradley Rowles, term ending 12/31/17   |
| <b>Zoning Board of Appeals Member</b>    | Harmony Retzlaff Hurtgam<br>Balance of term expiring 12/31/18  |
| <b>Zoning Board of Appeals Member</b>    | Thomas C. Andrews<br>Five-year term expiring 12/31/21  |
| <b>Zoning Board Alternate</b>            | Cheryl L. Shoop, one-year term   |

**10. Approve the 2017 Town of Cambria Volunteer Firemen’s Service Award point system for Cambria and Pekin Fire Companies**

**11. 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 County SPCA                      | 10,224.00 |
| Niagara Military Affairs Council (NIMAC) | 1,500.00  |
| Ransomville Library                      | 3,905.00  |
| Sanborn-Pekin Library                    | 34,000.00 |
| Sanborn Post 969 - American Legion       | 500.00    |
| Sanbornites                              | 4,000.00  |
| Union Cemetery of Northeast Cambria      | 1,000.00  |

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

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

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

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

|                                     |           |                                |           |
|-------------------------------------|-----------|--------------------------------|-----------|
| Administrative Assistant            | 56,725.00 | Historian                      | 3,420.00  |
| Assessor                            | 41,500.00 | Historian - Deputy             | 1,370.00  |
| Baseball Director                   | 3,474.00  | Records Management Officer     | 1,888.00  |
| Budget Officer                      | 3,030.00  | Recreation Director            | 7,900.00  |
| Building Inspector                  | 21,730.00 | Registrar Vital Stats          | 1,112.00  |
| Building/Grounds Manager            | 2,816.00  | Registrar Vital Stats - Deputy | 585.00    |
| Cemetery Superintendent - Assistant | 1,910.00  | Sewer-Water Manager            | 1,885.00  |
| Foreman - Highway                   | 1,390.00  | Tax Collector - Deputy         | 1,490.00  |
| Foreman - Sewer - Water             | 3,783.62  | Town Clerk - Deputy I          | 35,537.00 |

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

| Department | Position     | Full Time per hour | Seasonal per hour |
|------------|--------------|--------------------|-------------------|
| Highway    | Laborer      |                    | 9.70              |
|            | Mechanic     | 23.99              | -----             |
|            | Truck Driver | N/A                | 10.00 to 11.00    |

|                      |                          |       |       |
|----------------------|--------------------------|-------|-------|
|                      | Motor Equipment Operator | 23.99 | ----- |
| <b>Water - Sewer</b> | Laborer                  |       | 9.70  |
|                      | Maintenance - Sewer      | 23.99 | ----- |
|                      | Maintenance - Water      | 23.99 | ----- |

|     |                                       |        |                          |
|-----|---------------------------------------|--------|--------------------------|
| 17. | Elections - Voting Machine Inspectors | 20.00  | per machine/per occasion |
| 18. | Assessment Review Board - Member      | 95.00  | first day                |
|     |                                       | 85.00  | additional day(s)        |
| 19. | Planning Board - Chairman             | 110.00 | meeting                  |
|     | - Member                              | 72.00  | meeting                  |
|     | - Alternate                           | 30.00  | meeting                  |
| 20. | Zoning Board - Chairman               | 110.00 | meeting                  |
|     | - Member                              | 72.00  | meeting                  |
|     | - Alternate                           | 30.00  | meeting                  |
| 21. | Town Park-Youth Program - Chairman    | 35.00  | meeting                  |
|     | - Member                              | 30.00  | meeting                  |
| 22. | Assessor Clerk                        | 12.80  | per hour                 |
| 23. | Executive Secretary                   | 16.10  | per hour                 |
| 24. | Groundsperson I                       | 11.00  | per hour                 |
| 25. | Groundsperson II                      | 10.50  | per hour                 |
| 26. | Highway Clerk                         | 15.15  | per hour                 |
| 27. | Justice Clerk                         | 18.00  | per hour                 |
| 28. | Justice Court Officers                | 19.90  | per hour                 |
| 29. | Laborer - Buildings                   | 12.05  | per hour                 |
| 30. | Laborer - Town Park                   | 10.00  | per hour                 |
| 31. | Planning/Zoning Clerk                 | 13.00  | per hour                 |
| 32. | Town Clerk - Deputy II                | 12.25  | per hour                 |
| 33. | Water Clerk                           | 12.80  | per hour                 |

**34. 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.*

35. Terms specified for one year will expire 12/31/2017

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to approve the January 5, 2017, re-organizational appointments, meeting schedules, salary schedules and various authorizations numbered 1-35.**

**Roll Call Vote:**

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

**-Motion Carried-**

**Absent: Foe**

**SUPERVISOR/TOWN CLERK/ APPOINTMENTS**

Supervisor Ellis announced the following appointments:

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

On behalf of the Tax Collector Debbie Littere, Janelle Kroening has been appointed as the Deputy Tax Collector for 2017.

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

- Paula N. Jones, Deputy Clerk I
- Jennifer L. Wrate, Deputy Clerk II

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 2016 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, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

## OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

Supervisor Ellis indicated the Official Undertaking of Municipal Officers is a requirement for the Town. It carries insurance to protect the Town in case of improper behavior by a Town Official that would cost the Town money. The Town would be covered so that it would not suffer a loss.

**WHEREAS**, various sections of New York State Town Law and Public Officers Law require that certain officials execute an Official Undertaking; and

**WHEREAS**, the Town Board of the Town of Cambria hereby requires the Town Justice to execute said Official Undertaking as required by said law;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Cambria approve the document entitled "Town of Cambria Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance;

**BE IT FURTHER RESOLVED**, that each Town official, as above-identified, shall individually sign the official undertaking in the time period provided by law (30 days after commencement of term of office); and

**BE IT FURTHER RESOLVED**, that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Ohol, it was resolved to approve the Official Undertaking of municipal officers as set forth in the resolution.**

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

**-Motion Carried-**

Jamie Johnson, Wendel Engineers, reported on the following:

## TOWN PARK COMFORT STATION

- In a meeting held December 22, 2016, the Town Board approved a time extension for the contractors that extended to Friday January 6, 2017, 5:00 pm. Ms. Johnson reported this morning that Wendel's contract manager was at the site this morning and did a walk through. There are some items that need to be completed, however Wendel was assured that the contractor will meet the Friday deadline. There are four items that are seasonal items and will be completed in the spring:
  - Spreading topsoil and hydro seeding.
  - Providing and installing an ADA compliant drinking fountain.
  - Providing and installing an ultrasonic meter and backflow prevention device for the drinking fountain water service line to the satisfaction of the Town.
  - Modifying the electrical circuits associated with the sand filter sewage disposal system pump and alarm in accordance with the letter dated January 5, 2017, from the Niagara county DOH.

As an incentive for the contractor to complete the work in a timely manner, the Town will be withholding payment for those items along with a 5% retainer on the contract.

In the event that the work is not complete at the Town Park Comfort Station by Friday, January 6 @ 5:00 pm, the Town will have the option of pursuing liquidated damages, which is written into 99% of municipal contracts. This means the contractor will owe to the Town \$500.00 per day for damages for every calendar day beyond January 6<sup>th</sup> that the contractor does not complete the items; other than the four mentioned above. Wendel is requesting authorization from the Town Board to send a letter to Kirst Construction at the end of business tomorrow regarding the liquidated damages previously discussed, pending review of the letter by the Town Attorney.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to direct Wendel to send a letter to Kirst Construction incorporating all the information contained in their memorandum dated January 5, 2017.**

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

**-Motion Carried-**

#### **NATURAL GAS PROJECT**

Supervisor Ellis indicated that after several months, the natural gas conversion project at the Town Hall by Hoot Mechanical is complete. The emergency generators will continue to use propane.

#### **NYS COMPROLLER AUDIT**

Supervisor Ellis reported that the NYS State Audit of the Town's financials is still ongoing.

#### **TOWN CLERK REPORTS**

The Town Clerk, reported receipt of the following:

- Town Clerk Report December: Total Receipts: \$39,274.38
- Town Clerk Year End Report: Total Receipts: \$544,831.06
- Building Inspector Report December: Total fees collected: \$ 525.00  
Total estimated value of construction: \$44,600.00
- Mt. View Cemetery Report 2016: Total Receipts: \$12,400.00
- In receipt of a request from Cambria Volunteer Fire Co. to add new member Jamison Hayes, 3876 N. Ridge Rd., Lockport, to the active roster. Physical paperwork was received on December 9, 2016.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to add Jamison Hayes, 3876 N. Ridge Rd., Lockport, to the Cambria Volunteer Fire Co active roster. Physical paperwork was received on December 9, 2016.**

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

**-Motion Carried-**

#### **HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent, Jon MacSwan, reported as follows:

- No problems with plowing this season
- Some glitches with the new truck
- Requesting that the Town Supervisor investigate finance options for new truck

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to authorize the Supervisor to investigate purchase and finance/lease of a 2017 Kenworth T470 cab with chassis with a 10' dump body with plow.**

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

**-Motion Carried-**

#### **WATER/SEWER DEPARTMENTS**

No reports.

#### **ATTORNEY REPORTS**

No reports.

#### **CONCERNS OF CITIZENS**

Supervisor Ellis welcomed several students in attendance from Starpoint High School's government class.

**COMFORT STATION BAN PUBLIC HEARING**

Supervisor Ellis indicated that a Public Hearing will be held on Thursday, February 9, 2017, at 7:00 pm to pursue financing for the Comfort Station- BAN in the amount of \$200,000.00

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to schedule a Public Hearing for Thursday, February 9, 2017, at 7:00 pm for financing of the Comfort Station through a BAN in the amount of \$200,000.00.**

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

**-Motion Carried-**

**NYS RETIREMENT SYSTEM RESOLUTION**

Supervisor Ellis indicated that the Town is required by the Office of NYS Comptroller to establish standard workdays and reporting procedures with elected and appointed personnel who are part of the NYS Retirement System.

**BE IT RESOLVED**, that the Town of Cambria, hereby establishes standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities.

**2016**

**Elected Officials**

*Councilman – Matthew Foe*

*Councilman – Joseph Ohol*

**Appointed Official**

*Deputy Town Clerk I – Paula N. Jones*

*Historian-Brooke Morse*

*Baseball Director- Rodney Hogg*

*Assessor- Debra Littere*

**2017**

**Elected Official**

*Town Clerk – Tamara J. Cooper*

**Appointed Official**

*Deputy Town Clerk I – Paula N. Jones*

*Historian-Brooke Morse*

*Baseball Director- Rodney Hogg*

The resolution in its entirety will be posted on the bulletin board outside the office of the Town Clerk for a period of 30 days.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved approve the NYS Retirement System Resolution and the entire resolution will be posted on the bulletin board outside the office of the Town Clerk for a period of 30 days.**

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

**-Motion Carried-**

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Ohol.  
Time: 7:30 pm

Respectfully submitted,

Tamara J. Cooper  
Town Clerk