TOWN OF CAMBRIA TOWN BOARD

March 14, 2024

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 14th day of March 2024 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

ALSO PRESENT:

Jon T. MacSwan, Supervisor Jeffrey S. Hurtgam, Councilman Benjamin D. Musall, Councilman Randy M. Roberts, Councilman Paula N. Jones, Deputy Town Clerk Steven Kroening, Highway Superintendent David Haylett, Attorney David Godfrey, Legislator 8 Interested Individuals

Louise C. Brachmann, Councilwoman-absent

Following salute to the flag, Supervisor MacSwan called the 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 2/8/2024 work and regular.

Ayes: MacSwan, Hurtgam, Musall, Roberts -Motion Carried-

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment for January 19, 2024 and March 14, 2024:

January 19, 2024

ACCOUNT	AMOUNT
Water Operating	\$ 4,323.71

March 14, 2024

ACCOUNT	AMOUNT
Drainage	\$ 1,455.00
Fire (special district)	\$ 2,091.00
General	\$ 90,246.61
Highway	\$ 80,364.58
Refuse	\$ 73,092.71
Sewer Const.	\$ 10,474.31
Sewer Operating	\$ 267,797.03
Water Operating	\$18,279.08

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the abstract of audited vouchers dated March 14, 2024, be approved as read by the Town Clerk.

Ayes: MacSwan, Hurtgam, Musall, Roberts -Motion Carried-

OLD BUSINESS

Project Updates Wendel Engineers:

- Fair Village Sewer Replacement- project complete; restoration in the spring.
- Lockport Road Sewer Replacement the survey is complete, drafting the application.

REPORTS

Supervisor reports as follows:

SOLAR

No updates, meeting with COIS on Monday.

- The work meeting time will be changed to 6pm the night of the regular Town Board meeting.
- The Town Hall will close at noon on April 8th for the solar eclipse.

Town Clerk reported receipt of the following:

Town Clerk Report February: Total Receipts: \$ 61,965.78

Building Inspector Report February: Total fees collected: \$ 3,474.10

Estimated value of construction: \$ 445,307.91

- Request from Cambria Fire Co. to add Jamie Boudreau, 4755 Marjorie Dr., Lockport to the active roster pending receipt of physical paperwork.
- Request from Pekin Fire Co. to add Corrine DiNieri, 2904 Upper Mt. Rd., Sanborn to the active roster, physical paperwork has been received, and add Nathan Clifton, 31 Elmwood Park South, Tonawanda to the active roster pending receipt of physical paperwork.

Upon a motion duly made by Councilman Musall and seconded by Councilman Roberts, it was resolved to add Corrine DiNieri, 2904 Upper Mt. Rd., Sanborn, physical paperwork has been received, and Nathan Clifton, 31 Elmwood Park South, Tonawanda, pending receipt of physical paperwork to the active roster of Pekin Fire Co and to add Jamie Boudreau, 4755 Marjorie Dr., Lockport the active roster of Cambria Fire Company pending receipt of physical paperwork.

Ayes: MacSwan, Hurtgam, Musall, Roberts -- Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

Stephen Kroening, Highway Superintendent, reported as follows:

HIGHWAY:

- Winding down the winter mode.
- Repairing and servicing equipment.
- On road ditching now.
- Still in progress, talking with Town of Wilson for shared services .
- Presented the Agreement for the Expenditures of Highway Monies to include Budd Road, Fairview Subdivision, Townline Road and Stoelting Road and requested approval in the amount of \$690,100.00 for 36.6 miles of Town roads.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved approve the Agreement for the Expenditures of Highway monies for general repairs in the amount of \$690,100.00 of approximately 36.6 miles of Town highways specifically Budd Road, Fairview Sub-division, Townline Road and Stoelting Road.

Ayes: MacSwan, Hurtgam, Musall, Roberts

-Motion Carried-

Would like to declare millings and wood chips as surplus; and to be available to Town of Cambria residents
only. Supervisor MacSwan stated residents would need to sign a statement that they will not be re-selling
the millings.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall it was resolved to declare road millings and wood chips as surplus.

Ayes: MacSwan, Hurtgam, Musall, Roberts

-Motion Carried-

CEMETERY:

• The rocks will moved this week and there are two burials this weekend.

WATER/SEWER

- New meter change out still on hold.
- Repairing and servicing equipment.

PARK

- Backup generator was installed for the bathrooms.
- Getting the sporting events scheduled for the summer.
- Backstop repairs have been completed.

BUIDLING AND GROUNDS

- Rewiring parking lot lights.
- Keypads for certain offices at the Town Hall, looking into the cost for replacement.
- Faucet installation has been completed at Town Hall.

ATTORNEY REPORTS

David Haylett, Town Attorney reported as follows:

• The franchise agreement changes with Spectrum/Charter Communications negotiation has been completed and a public hearing needs to be set for next month.

RESOLVED, a public hearing will be held by the Town Board of the Town of Cambria at Cambria Town Hall on Thursday, April 11, 2024 at 7:00 p.m. on the proposed fifteen year cable television franchise with Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall, it was resolved to set a public hearing will be held by the Town Board of the Town of Cambria at Cambria Town Hall on Thursday, April 11, 2024 at 7:00 p.m. on the proposed fifteen year cable television franchise with Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc.

Ayes: MacSwan, Hurtgam, Musall, Roberts

-Motion Carried-

- Additional offers for the bomb shelter were submitted, six in total and the offers increased, the highest offer is \$49,900.00 with no contingencies.
- The attorney read the following resolution for the bomb shelter SEQR.

WHEREAS, the Town is currently the owner of a 5.60 acre vacant parcel of land in the Town of Cambria, County of Niagara, and State of New York, SBL # 120.17-2-1.3, situated on the south side of Eagle Drive (the "Property"); and

WHEREAS, the Town is empowered to dispose of said Property, in accordance with the laws of the State of New York, for fair and reasonable consideration; and

WHEREAS, the sale of the Property is an Unlisted Action under the State Environmental Review Act ("SEQRA"); and

WHEREAS, the Town Board has received and reviewed the short Environmental Assessment Form ("EAF") from the Town Supervisor and has considered the potential environmental impacts of the sale of the Property pursuant to the requirements of SEQRA and found that the proposed action will not result in any significant adverse environmental impacts; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cambria hereby adopts a Negative Declaration for the sale of the Property in the attached short EAF and determines that no Environmental Impact Statement is required; and be it further

RESOLVED, that the Town Supervisor of the Town of Cambria shall file a Negative Declaration along with this resolution with the Town Clerk.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to adopt the negative declaration for SEQR for SBL # 120.17-2-1.3, situated on the south side of Eagle Drive.

Ayes: MacSwan, Hurtgam, Musall, Roberts

-Motion Carried-

• The attorney read the following resolution to proceed with the sale of the bomb shelter.

WHEREAS, the Town is currently the owner of a 5.60 acre vacant parcel of land in the Town of Cambria, County of Niagara, and State of New York, SBL # 120.17-2-1.3, situated on the south side of Eagle Drive (the "Property"); and

WHEREAS, the Town is empowered to dispose of said Property, in accordance with the laws of the State of New York, for fair and reasonable consideration; and

WHEREAS, the Town, by resolution dated December 14, 2023, retained Hunt Commercial Real Estate to list the Property for sale to obtain the best sale price for the property; and

WHEREAS, the Town has received six written offers for the purchase of the Property and the highest amount received was Forty Nine Thousand Nine Hundred and 00/100 (\$49,900.00) Dollars; and

WHEREAS, as a condition to the conveyance of the Property, the purchaser shall be liable for any future environmental remediation costs or expenses associated with environmental contamination; and

WHEREAS, the Town desires to sell the Property to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cambria does hereby declare that the Property is surplus and may, therefore, be sold in accordance with New York State Law; and be it further

RESOLVED, that the Town Board finds that \$49,900.00 to be fair and reasonable consideration for the Property; and be it further

RESOLVED, that the Town Board approves the sale of the Property to the highest bidder, PCM Real Estate LLC for a purchase price of \$49,900.00, upon the condition that the Purchaser assume all liability and expense for

environmental remediation, if any and hold the Town of Cambria harmless from any future liability with the Property; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute any and all documents related to this sale; and be it further

RESOLVED, that the sale of the said Property is subject to a permissive referendum which will be published in the local newspaper after its adoption.

This resolution shall take effect thirty (30) days after its adoption.

Upon a motion duly made by Councilman Musall and seconded by Councilman Roberts, it was resolved to declare SBL # 120.17-2-1.3, situated on the south side of Eagle Drive as surplus (Property), approve the sale of the Property to the highest bidder, to PCM Real Estate LLC for a purchase price of \$49,900.00 upon the condition that the Purchaser assume all liability and expense for environmental remediation, if any and hold the Town of Cambria harmless from any future liability with the Property, authorizes the Town Supervisor to execute any and all documents related to this sale and Property is subject to a permissive referendum which will be published in the local newspaper after its adoption.

Ayes: MacSwan, Hurtgam, Musall, Roberts

-Motion Carried-

• Last month the Cambria Volunteer Fire Company presented the Town with a resolution to authorize them to collect fees for ambulance service and bill insurance companies. This change was a part of the 2023 State budget. Various towns throughout Western New York and the State have started to authorize the volunteer fire companies bill insurance companies.

RESOLUTIONS AUTHORIZING FEES AND CHARGES FOR EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICE

WHEREAS, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the "Law") provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

WHEREAS, the Law further authorizes the authorities having control of a fire department or fire company may provide for the collection of fees and charges for the collection thereof by the fire department or fire company; and

WHEREAS, the Law provides that if the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement; and

WHEREAS, the Law further provides that where a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services and that such contract shall at a minimum establish the fees for advanced life support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service; and

WHEREAS, the Law further provides that where an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services; and

WHEREAS, the Law further provides that in the absence of any agreed-upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the Council Member of Health pursuant to section three thousand five of the Public Health Law, on or before January first, two thousand twenty-two; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) shall not directly issue a bill for its services to any uninsured recipient of such services; and

WHEREAS, the Town of Cambria ("Town") has historically and currently intends to continue to exercise the authority conferred to it by law, including authorizing the Cambria Volunteer Fire Company, Inc. ("Cambria VFC") to provide emergency medical services including basic life support ("BLS") and advanced life support ("ALS") ambulance services (hereinafter referred to as "ambulance services") within its primary territory as defined by Public Health Law 3001 ("Operating Territory") and as otherwise permitted by law including mutual aid outside of its primary territory; and

WHEREAS, the Board of the Town of Cambria ("Board") after due deliberation, finds it in the best interest of the Town of Cambria to authorize fees and charges for emergency medical services and ambulance services Cambria VFC as authorized by Law and these Resolutions;

NOW THEREFORE, it is hereby

RESOLVED, that the Town of Cambria hereby authorizes fees and charges for emergency medical services and ambulance services by Cambria VFC as authorized by Law and as provided for by these Resolutions; and it is further

RESOLVED, that the fees and charges collected shall be collected and used by Cambria VFC as it deems appropriate for emergency medical and ambulance services and otherwise consistent with the terms and conditions of the current agreement between the Town and Cambria VFC for fire protection pursuant to Town Law 184 and as otherwise provided by law; and it is further

RESOLVED, that the Board hereby directs that Cambria VFC shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the Cambria VFC for such purposes and under such terms and conditions as the Cambria VFC may in its discretion find appropriate; and it is further

RESOLVED, that the Board hereby directs that such revenue recovery by the Cambria VFC for its emergency medical and ambulance services shall utilize the rate of services as attached to these Resolutions as Schedule A which the Board may amend in its discretion from time to time; and it is further

RESOLVED, that the Board hereby determines that it shall, as a matter of public policy and as part of a comprehensive regulatory system for the delivery of emergency services within the Town, waive any co-pay or deductible due from any resident of the Town; and it is further

RESOLVED, that the Board hereby directs that all revenue recovered pursuant to this authorization and these Resolutions shall be deposited and segregated from other Cambria VFC funds and used for the delivery of emergency medical and ambulance services as the Cambria VFC may properly determine in its sole discretion; and it is further

RESOLVED, that the Board hereby directs that the Cambria VFC shall not, directly or indirectly, by Cambria personnel or its agents and employees, including Cambria VFC's billing service agency issue a bill for its services to

any uninsured recipient of such emergency medical and ambulance services, pursuant to General Municipal Law section 209-b(4)(e); and it is further

RESOLVED, that except as otherwise provided herein, these resolutions shall take effect immediately. seconded, and the Town Board voted as follows:

The foregoing resolutions were thereupon declared duly adopted.

SCHEDULE 'A'
2024 Schedule of Fees and Charges Pursuant to General
Municipal Law 209-d(4)(a)

BLS Transport Basic Life Support Basic EMT level \$1000	
provided	
ALS 1 Transport Advance Life Support Treatment above basic EMT level \$1,250	
ALS 2 Transport 3 or more drugs administered, or one of 7 procedures done to patients* \$1,500	
BLS – level on board another agency's transporting ambulance \$875	
ALS 1 Intercept ALS – level on board another agency's transporting ambulance \$975	
ALS – level on board another agency's transporting ambulance \$1100	
BLS — level treatment or assessment to a patient who refuses transport \$400	
ALS Assessment ALS Assessment ALS – level treatment or assessment to a patient who refuses transport \$350\$	
Mileage Loaded Mileage \$38 per n	nile

^{*}The 7 procedures are as follows: Defibrillation, Cardioversion, External Pacemaker, Intraosseous infusion, Airway Device Intubation, Chest Decompression, Surgical Airway

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to authorize Cambria Volunteer Fire Company to collect and bill insurance companies for ambulance services according to the fee schedule read by the attorney as allowed by law as stated in the above resolution.

Ayes: MacSwan, Hurtgam, Musall, Roberts

-Motion Carried-

Legislator Godfrey reported the following:

- County ambulance is doing well.
- Was in Albany and Washington last week.
- Governor Hochul is cutting the CHIPS funds.
- Has funds to help offset the cost of the solar eclipse event for the municipalities.

Supervisor MacSwan welcomed the 4 students in the audience to the meeting.

CONCERNS OF CITIZENS

No one desired to be heard.

NEW BUSINESS

PROCUREMENT POLICY PURCHASES

Highway 2024-10-5110.04

2024 Paving Quotes

Kenneth L. Young Paving, Inc.-Youngstown, NY \$4,207.36

Villager Construction, Inc.-Fairport, NY \$4,850.00 Amherst Paving-Amherst, NY \$6,600.00

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to accept the proposal from Kenneth L. Young Paving, Inc.-Youngstown, NY for 2024 paving in the amount of \$4,207.36.

Ayes: MacSwan, Hurtgam, Musall, Roberts

-Motion Carried-

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to authorize other Towns to use the paving bid.

Aves: MacSwan, Hurtgam, Musall, Roberts

-Motion Carried-

General 2024-09-1620.04

Camera Equipment-Town Hall- Sole Source

Linklogix.io-Buffalo, NY

\$4,645.60

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Linklogix.io-Buffalo, NY, in the amount of \$4,645.60 for sole source Purchase for Town Hall camera equipment.

Ayes: MacSwan, Hurtgam, Musall, Roberts

-Motion Carried-

Highway 2024-12-5130.0

Bucket for John Deere Loader

Anderson Equipment Co.-Tonawanda, NY \$10,690.00

Five Star Equipment- West Falls, NY \$11,000.00 Monroe Tractor-Buffalo, NY \$12,290.00

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to accept the proposal for a new bucket for the John Deere Loader from Anderson Equipment Co.-Tonawanda, NY in the amount of \$10,690.00.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts -Motion Carried-

General 2024-13-1620.04

Cleaning Duct Work in the Town Hall **Emergency Service-Sole Provider**

Stanley Steamer Commercial Services

\$6,000.00

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to accept the proposal for cleaning the duct work in the Town Hall from Stanley Steamer Commercial Services in the amount of \$6,000.00.

Ayes: MacSwan, Hurtgam, Musall, Roberts -Motion Carried-

FEE SCHEDULE (WATER, CEMETERY, RECREATION)

Cemetery rate changes for sale of burial plots to be one rate, \$800.00 and cremains garden \$500.00, recreation day program resident fee will be \$175.00 and non-resident fee will be \$280.00 and water service fees.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the increase in Town Park fees for 2024 Fee Schedule: Water, Cemetery and Recreation as presented.

Ayes: MacSwan, Hurtgam, Musall, Roberts -Motion Carried-

APPOINTING COMMISSIONER OF SPECIAL PROJECTS

Supervisor MacSwan explained the County has authorized rifle use in Niagara County for hunting. The Town needs to make a policy with maps for the use of rifles for the Town before hunting season begins. Supervisor MacSwan would appoint Matthew Foe as Commissioner of Special Projects at a rate of \$35.00 per hour, cap at \$4,000.00.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to appoint Matthew Foe as Commissioner of Special Projects at a rate of \$35.00 per hour, cap at \$4,000.00.

Ayes: MacSwan, Hurtgam, Musall, Roberts -Motion Carried-

Supervisor MacSwan announced if anyone would like to volunteer to be on the firearm committee they would be welcome.

PERSONNEL CHANGES-CONFIDENTIAL SECRETARY

Supervisor MacSwasn would like to appoint Danyel Cates as his Confidential Secretary.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to appoint Danyel Cates Confidential Secretary with a salary of \$56,160.00 prorated for the remainder of the year.

Ayes: MacSwan, Hurtgam, Musall, Roberts -Motion Carried-

CUB SCOUT PACK 8-ARROW OF LIGHT CERTIFICATES

Councilman Hurtgam reported, we have certificates of achievement for 10 members of the Cambria webelos scout pack 8 that have achieved the highest rank in cub scouting, the arrow of light. 10 young men, Aiden McDonald, Alec Campbell, Ben Streiff, Domenic Morabito, Jackson Bush, RJ Gilbert, Kalyb Lorkowski, Timothy McGrath, Porter Cedrone and Hudson Munz. The ceremony is this Sunday, March 17, 2024. The Town of Cambria Town Board hereby congratulates you as you prepare to become a boy scout.

Motion to approve certificates of achievement for the young men as stated above.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the ten Arrow of Light Cub Scouts certificates of achievement as read by Councilman Hurtgam.

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

FIRE COMPANY ROSTER

Supervisor MacSwan reported the Board is in receipt of the 2024 Fire Company Rosters for Cambria Fire Company and Pekin Fire Company.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the 2024 Cambria Fire Company and Pekin Fire Company Rosters as presented to the Town.

Ayes: MacSwan, Hurtgam, Musall, Roberts -Motion Carried-

TOWN OF CAMBRIA FIRE PROTECTION-DISTRICT SERVICE AWARD PROGRAM

Councilman Roberts reported the Town is in receipt of service award program census from the fire companies, Cambria Volunteer Fire Company has 27 eligible members and Pekin Fire Company has 12 eligible members for 2023.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the 2023-member census for the Cambria Fire Protection District Service Award Program: Defined Contribution Service Award Program with 39 eligible members, 27 from the Cambria Volunteer Fire Company and 12 from Pekin Fire Company.

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

WORK MEETING CHANGE TO 6PM DAY OF TOWN BOARD MEETING

Supervisor MacSwan would like to move the work session to the evening so all Town Board members can attend.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve moving the work session meeting to 6pm the second Thursday of each month.

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

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Musall. Time: 7:55 pm.

Ayes: MacSwan, Hurtgam, Musall, Roberts -Motion Carried-

Respectfully submitted,

Paula N. Jones, Deputy Town Clerk