

Approved

TOWN OF CAMBRIA TOWN BOARD

September 14, 2023

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 14th day of September 2023 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Steven Kroening, Highway Superintendent
Gary Billingsley, Attorney
12 Interested Individuals

Following salute to the flag, Supervisor Ellis opened the public hearing on Local Law #2 of 2023 Regulating Building Contractors.

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

Notice of Public Hearing

The Town Board of the Town of Cambria, Niagara County, New York will hold a public hearing at the Town Hall, 4160 Mountain Road, Sanborn, NY on the 14th day of September, 2023 at 7:00 PM to hear and consider the adoption of local Law No. 2 – 2023 providing for the regulation of Building Contractors conducting building construction activities within the Town of Cambria.

Local Law No. 2 – 2023 provides:

- Section 1. Purpose - to provide for the requirement of a license for building contractors.
- Section 2. Definitions
- Section 3. License required - shall be unlawful to engage in business in the Town of Cambria as a building contractor without a license.
- Section 4. License - any person desiring to engage in the building contracting business shall make an application for license to the Building Inspector.
- Section 5. Issuance of licenses and fees: the Building Inspector shall issue the license and collect the fee (\$100.00) upon approval of the application for license.
- Section 6. Duration - all licenses shall expire each year on December 31.
- Section 7. Compliance with Regulations - it shall be the duty of all building contractor to comply with all ordinances, laws, and regulations regulating building construction activities.
- Section 8. Revocation of licenses - any building contractors license may be revoked by the License Board for violations of ordinances, laws, and regulations relating to their building construction activities.
- Section 9. Insurance - no permit shall be issued for the construction of a building or structure in the Town of Cambria unless proof is filed showing the contractor carries Workers Compensation Insurance and Public Liability insurance, with limits of at least \$100,000 for each person, \$300,000 for each accident or bodily injury liability and \$10,000 for property damage liability.
- Section 10. Penalties for offenses
- Section 11. Partial invalidity
- Section 12. Effective date - this Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

All parties and interest will be heard at the public hearing to be held as aforesaid. Copies of the proposed local Law No. 2 – 2023 are on file at the office of the Town Clerk at the Town Hall and maybe reviewed or copied during regular work hours.

BY ORDER OF THE TOWN BOARD /TOWN OF CAMBRIA

Supervisor Ellis gave a brief background on the proposed Local Law.
It is to bring protection to the citizens of the Town ensuring that the building contractors carry appropriate Workmen’s Compensation and Liability Insurance.

Supervisor Ellis opened the Public Hearing for public comment. 7:05 pm.

Dennis Scavazzo-Cambria Rd.

Mr. Scavazzo asked if homeowners doing their own projects would be affected by this.
Supervisor Ellis said no.

As there were no further comments, Supervisor Ellis closed the Public Hearing. 7:06 pm.

Supervisor Ellis indicated that usually the Town Board approves a Local Law on the same day as the Public Hearing as long as there are no concerns. The Local Law was discussed at the work meeting in the morning and some of the board members brought up some concerns. Those concerns will be discussed over the next month.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to table the approval of Local Law #2 2023 providing for the regulation of Building Contractors conducting building construction activities within the Town of Cambria until the October meeting.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

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 Musall it was resolved to approve the minutes of the Town Board meetings of August 10, 2023-work and regular.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

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

| September 14, 2023 | CLAIM NUMBERS ALL FUNDS 1-151 | ACCOUNT |
|--------------------|-------------------------------|--------------|
| Cemetery | | \$ 29.63 |
| General | | \$ 98,417.96 |
| Highway | | \$ 79,488.70 |
| Refuse | | \$ 37,449.89 |
| Sewer Const. | | \$ 11,243.75 |
| Sewer Operating | | \$ 405.20 |
| Water Operating | | \$ 11,784.06 |

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved that the abstract of audited vouchers dated September 14, 2023, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

FAIR VILLAGE SEWER REPLACEMENT PROJECT

Tim Walck, Wendel Engineers reported that NFP and Sons were given a notice to proceed following signing of the contracts. NFP and Sons plan on starting the project in mid-October. It will be approximately a 3–4-week project.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to authorize Wendel Engineer to issue a notice to proceed for the Fair Village Sewer Replacement Project to NFP & Son’s Inc.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

WATER SUPPLY VULNERABILITY ASSESSMENT - CYBERSECURITY

Supervisor Ellis reported that the NYS Department of Health is concerned about cyber security from the standpoint of water supply. They have tasked the municipalities who sell water to develop an assessment of their vulnerability to cyber security attacks. The Town has a base plan, and the Supervisor needs authorization to submit it to NYSDOH in Albany. The Town had some assistance with the plan from Wendel and Premcom (IT).

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to authorize the Supervisor to submit the Town’s Water Supply Vulnerability Assessment (Cybersecurity) Plan to the NYSDOH in Albany.

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.

Councilman Foe acknowledged the hard work by all involved with getting this plan together, it was more complex than originally thought. Wendel: Rob Klavoon and Tim Walck; Water Clerk: Peggy Mayer.

5835 UNICORN DRIVE DEVELOPMENT PROPOSAL (PD DISTRICT)

Supervisor Ellis indicated that the Town is in receipt of an application from new owners of 5835 Unicorn Drive Apartments, e2i, requesting authorization to install 27 electric chargers (24 double and 3 single) in the parking lot. The Town Board received a letter from William Amacher, Planning Chairman recommending that the Town Board approve the site plan to construct the electric vehicle charging stations.

Richard Ries, e2i, gave a brief presentation on the electric vehicle charging stations and apartments. In addition to the charging stations, they are planning on making the existing dumpster bigger so they can have recycling; clean up the exterior of the building, replace the windows, paint the building; they are currently repairing the roof; would like to add 2 new apartments on the first floor-for a total of 30 units.

Councilman Roberts asked why 51 charging stations. Mr. Ries indicated that the state would like to increase the number of charging stations throughout the state and e2i is trying to get ahead of this.

Supervisor Ellis asked if there are only going to be 30 units who will be using the other charging stations. Mr. Ries indicated that most apartments are two-bedroom units.

Councilman Foe asked Mr. Ries if they will be allowing the public to use the charging stations. He said they will only be for the tenants.

Roger Palmer, Subbera Road, asked if the apartments will be strictly for those with electric cars. Mr. Ries said no, they are trying to get the infrastructure in place for the future.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to accept the recommendation of the Planning Board as set forth in a letter from the Chairman dated September 4, 2023, and approve the Site Plan to install 27 electric charging stations (24 double and 3 single) in the Planned Development District located at 5835 Unicorn Drive- SBL #120.17-2-5.1.

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.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report August: Total Receipts: \$ 95,360.61
- Building Inspector Report August: Total fees collected: \$ 3,382.00
Estimated value of construction: \$ 494,197.60
- In receipt of two correspondences that were received on 8/28/23 & 9/14/23 and were distributed to the Town Board.

HIGHWAY SUPERINTENDENT REPORTS

Steven Kroening, Highway Superintendent, reported as follows:

HIGHWAY:

- Continuing off road ditching.
- Addressing ditching and trouble spots.
- Brush pick-up.
- Final fall roadside mowing will commence shortly.
- Electronic Recycling will be held Saturday, October 21st -8am-12pm
- Tire drop-off Saturday, October 21st 8am-12pm (passenger truck & car tires only-no rims).
- *Agricultural Plastics: November 4th – 11th location to be determined.*

Mr. Kroening indicated that chip sealing is being done on Upper Mountain Road- which is a County Road and all concerns about the stone should be directed to the County, not the Town.

CEMETERY:

- Mowing continues.
- Draining water lines in a couple weeks.

TOWN PARK

- Another phase of parking lot paving has been completed.
- Waiting for stripers to make parking spaces.
- Beginning work on 2nd pickle ball court.

- Still mowing.

WATER/SEWER

- Still installing updated meters.
- Completed two house services and waiting on two more.
- Fire hydrant on Rt. 104 was hit by a car and replaced.
- Painting and servicing hydrants for the fall.

ATTORNEY REPORTS

No reports.

Supervisor Ellis reported as follows:

- **Bear Ridge Solar**-Waiting for a response from the developer. The 60 days is almost up. (end of the month).
- **2024 Budget**- Work is underway on the 2024 Budget. Department Heads have submitted their requests to the Supervisor and he is working on preparing the Tentative Budget.

CONCERNS OF CITIZENS

Gina Merlo-Green Rd.

Ms. Merlo was present with a couple of issues.

- Electronic Recycling- one day a week during regular work hours doesn't work for everyone, requesting evening or Saturday hours once a month.

Mr. Kroening, Highway Superintendent, indicated that the Town will hold an electronic recycling drop off on Saturday, October 21st from 8am to 12pm.

- Park Sign provided from the county-misspellings- is the Town going to fix this.

Supervisor Ellis and Mr. Kroening, Highway Superintendent, reported that the corrections were made to the Park Sign and will be checked before reinstalled.

- Requesting when road work is being done, she is asking that residents be sent a postcard.
- Asking the Town Board why Green Road is not being paved. Indicated that there are grants available for the Towns for paving. Ms. Merlo handed out grant information packets to the Town Board members along with some verbal information.

Mr. Kroening, Highway Superintendent and Supervisor Ellis informed Ms. Merlo that the Town takes advantage of three of the six programs offered by the state. A brief discussion took place.

NEW BUSINESS

PETTY CASH FUND

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to re-establish the Petty Cash in the amount of \$100.00 and appoint Rebecca L. Cobb as the Petty Cash Fund Custodian.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

ZONING ORDINANCE UPDATES

Tim Walck, Wendel reported that the Town and Wendel have been in some discussion about updating and modernizing the Zoning Ordinance as the Town is in the process of codifying its local laws and ordinances, which includes the Zoning Ordinance. Wendel has submitted a proposal for time and expense until they get into the process and see what changes are needed. The range is \$7,000.00 to \$17,250.00 and this depends on the number of meetings and how many revisions are needed. After the first meeting Wendel will be better able to define what the cost will be.

Upon a motion duly made by Councilman Musall and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Wendel to provide services to update the Town’s Zoning Ordinance prior to codification at a fee of \$17,250.00 on a time and expense basis to be modified after the first meeting to a ‘not to exceed’ figure.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASES

EMERGENCY PURCHASE AUTHORIZATION:

2023-37 DRAINAGE

8540.02

GEM 418 Series Hydraulic Coupler-worn out obsolete
2007 John Deere Loader

| | |
|---------------------------------|-------------|
| Five Star Equipment, West Falls | \$12,538.67 |
| Empro-Niagara, Lockport | \$13,250.00 |

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to approve the emergency action taken by the Supervisor and authorizing the Highway Superintendent to order the GEM 418 Series Hydraulic Coupler at the cost of \$12,538.67 for the 2007 John Deere Loader and to further approve the procurement purchase from Five Star Equipment in the above amount.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Councilman Foe indicated that with the new universal coupler in place, all the other equipment will be interchangeable.

2023-31 GENERAL

1355.02

Replacement of office furniture- to improve workflow and maximize space.
Price includes design and installation.
State Bid

| | |
|--|-------------------|
| <i>Prentice Office Environments, Buffalo</i> | <i>\$6,970.97</i> |
|--|-------------------|

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the procurement purchase from Prentice Office for design and installation of office furniture for the Assessor’s office in the amount of \$6,970.97. NYS Bid pricing. (Global Industries)

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-32 GENERAL

7140.04

Insulation in the park comfort station to keep the pipes from freezing.

| | |
|--|-------------------|
| <i>Urban Insulation, Williamsville</i> | <i>\$2,240.00</i> |
| USA Insulation, Orchard Park | \$4,990.00 |
| Town Insulation, Sanborn | NO BID |

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the procurement purchase from Urban Insulation, Williamsville for insulation at the park comfort station in the amount of \$2,240.00.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-33 GENERAL

3310.04

Street Signposts to replenish stock.
State Bid

Eberl Iron Works, Buffalo **\$2,083.50**

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the procurement purchase from Eberl Iron Works, Buffalo for street signposts, in the amount of \$2,083.00.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-34 HIGHWAY

5142.04

Harder salter spreader chains. Replacement of worn-out chain and a spare.
State Bid-Valley Fab is state bid, George & Swede was cheaper (1/2 price and 2 chains)

George & Swede Sales & Service, Pavilion **\$1,799.26**

Valley Fab Equipment, Boston **\$1,500.00**

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to approve the procurement purchase from George & Swede, Pavilion for harder salter spreader chains (2 chains) in the amount of \$1,799.26.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-35 GENERAL

1620.04

Highway Garage Roof-roof leaking

All Pro Contracting, Buffalo **\$4,600.00**

Fiddler Roofing, Niagara Falls **NO BID-TO BUSY/NO MANPOWER**

William C. Rott & Sons, Tonawanda **NO BID-NOT AVAILABLE THIS FALL**

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to approve the procurement purchase from All Pro Contracting, Buffalo for roof repair in the amount of \$4,600.00.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-36 GENERAL

1620.04

Town Hall Perimeter Fence-
Repair from vehicle damage
Sole-Source

Fox Fence, Niagara Falls **\$3,476.80**

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the procurement purchase Fox Fence, Niagara Falls for replacement of Town Hall perimeter fence that was damaged by a vehicle in the amount of \$3,476.80.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PERSONNEL

Supervisor Ellis and the Town Board are in receipt of a resignation letter dated August 29, 2023, from Brooke Morse, Deputy Historian to be effective December 31, 2023.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to accept, with regret, the resignation of Brooke Morse, Deputy Historian effective, December 31, 2023.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Drainage Committee-Patrick McCoy

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to appoint Deputy Highway Superintendent, Patrick McCoy, to the Drainage Committee to complete the term of Jon MacSwann.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Councilman Musall commented on the concerns of the citizens. He stated that the Highway Department is not in the business of making the roads look pretty; they are in the business of making roads safe and navigable. There is nothing wrong with Green Road nor with the product that was used to make that happen.

Supervisor Ellis shared a story: see video.

ADJOURNMENT

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

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk