

TOWN OF CAMBRIA TOWN BOARD

August 11, 2016

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 11th day of August 2016 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
Robert Roberson, Attorney
Jamie Johnson, Wendel
David Godfrey, Legislator
Sally Marotta-Reed, Recreation Director
3 interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order. The Town Board took action on the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to approve the Minutes of the Town Board meeting July 14, 2016.

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:

Cemetery	Claims	9-11	\$ 1,029.72
Drainage Fund	Claims	11	\$ 405.00
General Fund	Claims	319-369	\$ 44,667.54
Highway Fund	Claims	129-150	\$ 195,192.08
Recreation Fund	Claims	38-63	\$ 10,013.56
Refuse Fund	Claim	9-10	\$ 31,292.72
Sewer Construction Fund	Claim	8	\$ 311.78
Sewer Operating Fund	Claims	22-26	\$ 1,047.21
Town Park Construction Fund	Claims	9	\$ 1,838.06
Water Construction Fund	Claims	14 & 15	\$ 83,763.10
Water Operating Fund	Claims	110-126	\$ 13,991.81

Supervisor Ellis indicated there are two abstracts that need separate resolutions. The first is Payment Request #1 from Mar-Wal Construction, Inc. for \$75,837.74, voucher #14-Water Construction Fund.

The second is a late submittal from the Town Attorney for litigation services that must be separately billed in the amount of \$5,425.00-Trust Fund-Fire Protection District.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve voucher for Payment Request #1 from Mar-Wal Construction Inc, in the amount of \$75,837.74 and a voucher from Brandt, Roberson and Brandt in the amount of \$5,425.00.

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

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved that the abstract of audited vouchers dated August 11, 2016, be approved as read by the Town Clerk.

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

Jamie Johnson, Wendel Engineers, reported on the following:

COMSTOCK/SUBBERA/CAMBRIA ROADS WATERLINES

- Construction is moving right along. There have been a couple delays with scheduling with CSX. The contractors should be boring under Subbera Road crossing next week. The Cambria and Comstock Road crossings to follow. Part of the construction includes blasting due to the rock conditions. Notifications will go out to residents in the immediate area.

TOWN PARK COMFORT STATION

- The pre-construction meeting was held this week with Kirst Construction, and Jim McCann. They are looking to mobilize and start excavation activities next week. Starting next week this area will be considered an active construction site. The contractor will have orange construction tape out around the area so residents are alerted to use caution when walking in this area.

Supervisor Ellis indicated that the meeting with the Committee of the Greenway Commission was canceled on this past Tuesday. It was rescheduled for some time in September. The Town is still waiting for the opportunity to present the application for additional funding for the comfort station. The original request was for \$250,000.00 and last year the Town received \$80,000.00 which covered the majority of the electrical work. The next request is for the remaining \$175,000.00.

NATURAL GAS PROJECT

Jon MacSwan, Highway Superintendent, indicated that he is in the process of getting estimates for the conversion of the current heating units over to natural gas. He is in receipt of two proposals and he should have the third by the meeting on the 24th of August.

REFUSE/RECYCLING CONTRACT

Supervisor Ellis reminded all present that the current refuse and recycling contract will expire at the end of this year. The Towns of Cambria, Pendleton, Newfane and Somerset will go out for a joint bid in the hopes of saving some money. Mr. Ellis is requesting that the Town Board approve the following resolution:

RESOLUTION TO AUTHORIZE JOINT BID REFUSE AND RECYCLING COLLECTION

WHEREAS, the Town of Cambria's current Refuse and Recycling collection and disposal contract is set to expire on December 31, 2016; and

WHEREAS, the Town of Cambria has previously bid the refuse and recycling collection and disposal contract jointly with other Niagara County municipalities to obtain maximum pricing and to save on advertising and production costs; and

WHEREAS, the Towns of Cambria, Newfane, Pendleton and Somerset desire and each Town believes it is in the best interest to jointly bid its next refuse and recycling collection and disposal and marketing contract as a whole; now therefore be it

RESOLVED, that the Town of Cambria does hereby authorize a joint bid for its refuse and recycling collection and disposal and marketing contract in conjunction with the Towns of Newfane, Pendleton and Somerset; and be it further

RESOLVED, that the Town of Cambria Supervisor is hereby authorized to sign any joint municipal agreements to facilitate the same.

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Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to authorize the Resolution to Authorize Joint Bid for Refuse and Recycling Collection.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report July: Total Receipts: \$43,899.96
- Building Inspector Report July: Total fees collected: \$ 2,366.00
Total estimated value of construction: \$49,300.00
- Request from Cambria Volunteer Fire Company to add Robert Leary-4234 Upper Mountain Road, Sanborn 14132 to the active roster list; physical form received on August 8, 2016.
- Request from Cambria Volunteer Fire Company to remove Stacy Schimschack, 3581 Lower Mountain Road, Sanborn 14132 from the active roster.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the addition of Robert Leary-4234 Upper Mountain Road, Sanborn 14132 to the active roster list and also the removal of Stacy Schimschack, 3581 Lower Mountain Road, Sanborn 14132 from the active roster.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

- Tamara J. Cooper, Town Clerk, announced the appointment of Jennifer Wrate-4933 Shawnee Road, Sanborn 14132 to the Deputy II position. She is requesting the Town Board approve the pay for this

position at \$11.50 per hour for the first 90 days. After the 90 day probationary period the pay will increase to \$12.00 per hour.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the Deputy II pay for Jennifer Wrate-4933 Shawnee Road, Sanborn 14132 at \$11.50 per hour.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Baer Road paved from Upper Mountain Road to Rt. 31; next week the south end will paved up to Raymond Road.
- Green Road had some shoulder work done and then it will be chip sealed along with Van Dusen Road.
- Monday the county will be doing road work on Upper Mountain Road from Shawnee Road to Thrall Road.
- Next year the plan is to repair Subbera, Blackman and Human Roads.

WATER/SEWER DEPARTMENTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- The Water Dept. had one water leak in Pekin that has been fixed.
- Water service was put in at the Town Park near the Veteran Monument and believes that when the water is connected to the comfort station, it will help the other end of the park because there will probably be spigots. Supervisor Ellis asked Jaime Johnson if one or two outside spigots are included in the plans. Ms. Johnson said there is a plan for one near the bathrooms and one near the concession area for the purpose of cleaning but she will verify that information.

Councilman Foe asked Jamie Johnson, Wendel, if there were any provisions for drinking fountains. She will check on that.

TOWN POLICY AND PROCEDURES REVIEW COMMITTEE

Councilman Foe reported that a meeting is scheduled for August 24, 2016, 7:00 pm for the Zoning change document to be reviewed by the Town Board.

RECREATION-TOWN PARK

Sally Marotta-Reed, Recreation Director, reported that the Recreation Day Program ended last Friday. Total registered 210 children. Resident 122 and Non-Resident 88 and the last day 128 children were in attendance. The season went great and Mrs. Reed thanked the Town Hall staff and Highway Department for all they did to make the year a success. It was a very hot season so everything was done to keep the children hydrated and safe, including two visits from the Cambria Volunteer Fire Company.

ATTORNEY REPORTS

Town Attorney, Robert Roberson reported as follows:

- Mr. Roberson reported that he has been in contact with the County Attorney's office with regard to the properties at the old Lockport Air Force Base. The County Legislature authorized the Tax Enforcing Officer to convey tax sale properties commonly known as Eagle Drive and Unicorn Drive to the Town of Cambria subject to review by the Niagara County Attorney. Mr. Roberson reported that the indemnification agreement will be submitted to the Town Board after it is approved by the county. This will take place before the September Board meeting.
- Article 78 proceeding brought by Vincent Salerno.
Mr. Salerno disagreed with a resolution passed by the Town Board on March 10, 2016, where they determined that the resignation of May 1, 2012, was effective upon receipt on that date and he was no longer an active fireman any time subsequent to that date. He asked the court to have that resolution annulled and to be reinstated as an active duty fireman and to have all his benefit awards restored to him. This case was heard in Niagara County Supreme Court. The position of the Town and the Town Board was #1- The fire company had no authority to reject Mr. Salerno's resignation #2-The Fire Company had no authority to take any action that affected the decision of the Justice Court and #3-The resignation on the part of Mr. Salerno is part of a plea agreement where he and his attorney agreed that he would resign from the Fire Company, completely. As a result of this argument, the Court upheld the position of the Town Board and denied the Article 78 petition which means that Mr. Salerno's connections with the Cambria Volunteer Fire Company are terminated in any capacity.

CONCERNS OF CITIZENS

