

**TOWN OF CAMBRIA TOWN BOARD**

**December 10, 2015**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 10<sup>th</sup> day of December 2015 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 T. MacSwan, Highway Superintendent  
Robert Roberson, Attorney  
Randy Roeseler, Wendel  
Jamie Johnson, Wendel  
12 interested individuals

Following the pledge 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 Ohol and seconded by Councilman Hurtgam, it was resolved to approve the Minutes of the Town Board meeting of November 5, 2015.**

**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:

CP AFB Remediation Fund	Claim	3	\$ 2,500.00
Drainage Fund	Claims	16 -17	\$ 3,864.72
General Fund	Claims	526-587	\$ 94,316.66
Highway Fund	Claims	200-218	\$ 69,988.67
Refuse Fund	Claims	16-17	\$ 32,555.64
Sewer Construction Fund	Claim	9	\$ 3,680.00
Sewer Operating Fund	Claims	38-43	\$ 19,968.64
Trust & Agency	Claims	23-29	\$ 2,289.85
Water Construction	Claims	9-12	\$ 6,770.00
Water Operating Fund	Claims	200-215	\$ 26,697.07

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved that the abstract of audited vouchers dated December 10, 2015 be approved as read by the Town Clerk.**

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

**-Motion Carried-**

**PLANNED DEVELOPMENT REZONING**

Randy Roeseler, Wendel reported rezoning recommendations have been made to the Town Attorney. Mr. Roberson indicated a public hearing will need to be held in January; the Town of Cambria Zoning Ordinance will need to be amended, create Cambria Fair Village Planned Development District, designate the area to be included in this new district, adopt the document dated October 2015 laying out how it is to be organized. Any previous designations of PUD must be repealed for the parcel that will make up the new Cambria Fair Village Development District. Supervisor Ellis indicated the Planning Board has this re-zoning on their agenda for the meeting next Monday the 21st. Recommendations will be made to the Town Board to address at the January meeting.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to set a public hearing for January 14, 2016, at 7:00 pm to consider the proposed re-zoning at Fair Village.**

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

**-Motion Carried-**

**COMSTOCK/SUBBERA/CAMBRIA ROADS WATERLINE**

Jamie Johnson, Wendel reported the agency and permits are rolling in, CSX has approved of the design; in receipt of the first round of comments from National Grid and Wendel is issuing a response to them by years end. As for the stream crossing DEC has issued a no effect letter; waiting to hear back from the Army Corps and the Niagara County Health Department is still under review. The next step will be to submit easements to the Town Attorney, (3) temporary and (1) permanent. As long as things keep moving along smoothly Wendel would like to prepare bid documents in January with anticipated construction to begin mid to late spring. Supervisor Ellis explained this work will connect the waterlines into a continuous loop.

Jamie Johnson, Wendel, presented a brief overview of the sanitary sewer evaluation. The Town of Cambria sanitary sewer system overall is in good shape, however there are some deficiencies that should be fixed sooner rather than later; will work with the water/sewer foreman to keep an eye on maintenance. Wendel is recommending a capital improvement program to button up the repair items that have been identified; in their opinion these need to be addressed in the near future. There are some manhole deficiencies that need to be addressed. Randy Shoop and forces will perform some of the work, so the total is \$7,000.00 less. The total cost of the project they are proposing is roughly \$65,000.00.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to direct the engineer, Wendel, to prepare the necessary design proposals for the recommended sanitary sewer and sanitary manhole repair items as set forth in your letter dated December 9, 2015, subject to possible modification if Town forces can handle the crack work.**

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

**-Motion Carried-**

Supervisor Ellis announced the retirement of Randy Roesler, Wendel, after 43 years with the firm. For the last 30 years Mr. Roesler has been the primary contact for the Town of Cambria. Mr. Roesler began his career May 1, 1972 as a surveyor, moving up to draftsman and eventually was promoted to partner in 1985. Around 1987 he began working with the Town of Cambria, became Municipal Business Manager in 2000, promoted to Senior Vice President in 2011; also serving as the Town Engineer for the Towns of Somerset, Middleport and Lockport. Mr. Roesler is also very involved in the community, active in Boy Scouts, earning the first Eagle Scout in the history of Troop 40 in Wrights Corners, involved in his church, and as a Wrights Corners volunteer fireman. Supervisor Ellis expressed gratitude for Randy's friendship and as a colleague throughout the years. Jamie Johnson along with Rob Klavoon will be taking over for Randy. Supervisor Ellis presented Mr. Roesler with a token of appreciation, a gift box prepared by Blackman Farms. Mr. Roesler expressed gratitude for the gift; it has been a pleasure to work with everyone and they have accomplished a lot together throughout the years.

#### **TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report November: Total Receipts: \$50,320.61
- Building Inspector Report November: Total fees collected: \$ 1,980.00  
Total estimated value of construction: \$158,208.00
- Request from the Cambria Fire Company to add the following names to the active membership:
  - Michael Vincton-4528 Ridge Road, Lockport- pending physical
  - Stacy Schimschack-3581 Lower Mountain Road, Sanborn-pending physical
  - Scott Devole-4238 Plank Road, Lockport-pending physical

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the addition of Michael Vincton-4528 Ridge Road, Lockport, Stacy Schimschack-3581 Lower Mountain Road, Sanborn and Scott Devole-4238 Plank Road, Lockport -pending receipt of physical paperwork to the roster of the Cambria Volunteer Fire Company.**

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

**-Motion Carried-**

#### **HIGHWAY SUPERINTENDENT REPORTS**

Mr. MacSwan stated Wendt's Propane and Oil is offering the same price as last year.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to approve the one year renewal for propane gas from Wendt's Propane and Oil and authorize the supervisor to sign it.**

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

**-Motion Carried-**

Mr. MacSwan announced they will begin road work tomorrow on Baer Road, Upper Mountain Road to Raymond Road. Pictures should be taken of the CSX overpass. Mr. MacSwan requested the Town Board pass a resolution asking for fairness and equality with local transportation funding; the CHIPS funding the Town has been receiving is far less than what is being received down state.

#### **LOCAL TRANSPORTATION FUNDING – PROPOSED RESOLUTION**

**WHEREAS**, a reliable transportation infrastructure is vital for the safety of New York's traveling public and its economy; and

**WHEREAS**, 85 percent of New York's roads and bridges are maintained by local governments; and

**WHEREAS**, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and

**WHEREAS**, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

**WHEREAS**, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and

**WHEREAS**, the New York State Association of Town Superintendents of Highways commissioned its own fifteen (15) year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and

**WHEREAS**, funding for our local system has been far short of what is needed, and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

**WHEREAS**, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

**WHEREAS**, in the early 1990s the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DNBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and

**WHEREAS**, when the DHBTF was created, it was agreed that the NYSDOT and MTA five (5)-year capital programs would be similar in size and would be negotiated concurrently; and

**WHEREAS**, through 2005-2009, both five (5)-year capital programs were similar in size and adopted within months of each other; and

**WHEREAS**, in 2010, the Executive and Legislature broke traditional parity and enacted a five (5)-year capital program for the MTA, but not the DOT;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Cambria calls upon the Governor and the State Legislature to make additional State funding and resources available at levels that accurately reflect the critical needs of local roads and bridges, and increase CHIPS funding in the 2016-17 State Budget; and be it further

**RESOLVED**, that the Town of Cambria calls upon the Governor and members of the State Legislature to fully fund and submit a new NYSDOT five (5)-year transportation capital plan; and be it further

**RESOLVED**, that the Town of Cambria calls upon the Governor and members of the State Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five (5)-year programs and by voting on the plans simultaneously.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to ratify the action of the Supervisor in issuing the Proclamation recognizing Tammy A. Snelgrove date December 5, 2015.**

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

**-Motion Carried-**

**TOWN POLICY AND PROCEDURES REVIEW COMMITTEE**

Councilman Foe met with the Attorney and Building Inspector this morning to go over the proposed changes to the Zoning Ordinance that will be presented to the Town Board at the January work meeting.

**ATTORNEY REPORTS**

Mr. Roberson reported regarding lawsuit with Starpoint Central School District, Justice Kloch issued a decision in favor of the Town of Cambria; he has submitted an order for signature and expects that to be delivered in the next few days.

Supervisor Ellis stated the Town is still awaiting reimbursement from the snow storm last year. Mr. MacSwan replied it is being processed and went through the state.

**CONCERNS OF CITIZENS**

Supervisor Ellis recognized two students, one from Starpoint in the audience for Government class. Legislator Godfrey updated the Town Board on the following:

- The Army Corps of Engineers is removing radioactive materials in the Town of Porter.
- Lake level fight, the International Joint Commission wants to change our lake levels more frequently, which would devastate our economy. About 4-5 weeks ago he met with Congressmen Collins and Catko. The Congressmen are submitting a letter to the Department of State requesting all funding be pulled for this program.
- The broadband system is at a standstill.

**PROCLAMATION**

Supervisor Ellis explained a proclamation was presented this past Saturday to Tammy A. Snelgrove at the Pekin Fire Company Installation banquet, she has been elected the Chief of the fire company. She is the first female Chief in all of Niagara County, which is a high honor.

**WHEREAS**, on April 14, 2005, Tammy A. Snelgrove was accepted into the membership of the Pekin Fire Company, Inc.; and

**WHEREAS**, throughout her ten years of service, Tammy has supported the Pekin Fire Company in a variety of responsible administrative positions, including Junior Advisor for the Pekin Fire Company Junior Explorer Post and Secretary of the Pekin Fire Company Exempt Organization, as well as serving as a member of various truck and fundraiser committees ; and

**WHEREAS**, Tammy is a past member of Tri-Community Ambulance Service, Inc., and has earned basic EMT training; and

**WHEREAS**, Tammy has progressively advanced through the ranks of the Firematic positions of the Volunteer Fire Service; and

**WHEREAS**, Tammy's professionalism and dedication were recognized by her peers with her election as Chief of the Pekin Fire Company Inc. and thus the first female fire chief in the history of Niagara County; and

**WHEREAS**, the Town of Cambria Town Board desires to recognize Tammy A. Snelgrove for her historical achievement.

**NOW**, therefore be it

**RESOLVED**, the Town of Cambria is proud of your contribution to the vitality of our Town and your commitment to the safety and well-being of our fellow citizens, and honors you this 5<sup>th</sup> day of December 2015 by resolution of the Town Board of the Town of Cambria.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the proclamation as presented.**

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

**-Motion Carried-**

**EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE**

Supervisor Ellis is requesting authorization to transfer \$10,000.00 from the unassigned fund balance in the Highway Fund and \$5,000.00 from the unassigned fund balance in the Water Operating Fund to the reserve for the employee accrued liability.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to authorize the Supervisor to transfer \$10,000.00 from the unassigned fund balance in the Highway Fund and \$5,000.00 from the unassigned fund balance in the Water Operating Fund to the reserve for the employee accrued liability.**

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

**-Motion Carried-**

**GENERAL CAPITAL PROJECT FUND**

Supervisor Ellis reported there are some reserves in the General Fund and would like to set up two capital funds, one would be the General Capital Projects Fund and the other would be the Town Park Capital Reserve. For the General Fund the Town is looking into bringing natural gas the rest of the way down Upper Mountain Road to the Town Hall and making the conversion here for the Town systems which will be quite a bit of savings over the long haul; also looking into Solar Energy. As for the Town Park, the Town is working on a comfort station to get away from the port-a-potties. The Town was successful in obtaining an \$80,000.00 grant from the Greenway funds and \$5,000.00 from Legislator Godfrey through the Seneca Niagara Community funds (casino funds).

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved to establish the General Capital Projects Fund and authorize the Supervisor to transfer \$100,000.00 from the General Fund unassigned fund balance as well as all allocations received from the Casino Revenue, Niagara County Tax Relief Fund to the General Capital Projects Fund.**

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

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to authorize the Supervisor to transfer \$100,000.00 from the General Fund unassigned fund balance as well as \$5,000.00 from the Niagara County Seneca Niagara Community Fund and \$80,000.00 in anticipated funding from the Niagara Power Coalition host community standing committee to the Town Park Capital Reserve.**

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

#### **NYS ASSOCIATION OF TOWNS' CONFERENCE**

Supervisor Ellis announced the conference will be held in New York City February 14-18, 2016.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to authorize Town officers and officials to attend the annual Association of Towns training school and conference to be held in New York City February 14-18, 2016.**

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

#### **2017 ASSESSMENT ROLL UPDATE**

##### **RESOLUTION SUPPORTING TOWN ASSESSOR IN UPDATING 2017 ASSESSMENT ROLL**

**WHEREAS**, the Town of Cambria Town Board supports the efforts of its Town Assessor, Debra Littere, in updating the Town's 2017 Assessment Roll and maintenance of such Assessment Roll at full market value; and **WHEREAS**, the Town Board supports the allocation of sufficient resources for Town staff and services to complete the project,

#### **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Cambria Town Board hereby expresses its support of its Town Assessor, Debra Littere, in updating the Town's 2017 Assessment Roll and maintenance of such Assessment Roll at full-market value, and authorizes the allocation of sufficient resources for Town staff and services to complete such project, and **BE IT FURTHER**,

**RESOLVED**, that the Town Board further requests that the New York State Office of Real Property Tax Services and the Niagara County Office of Real Property Services provide assistance that is typically afforded during such projects to the Town of Cambria Assessor.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the Resolution supporting the Town Assessor in updating the 2017 Assessment Roll.**

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

WRIGHT H. ELLIS - AYE  
MATTHEW P. FOE - AYE  
JEFFREY S. HURTGAM - AYE  
JOSEPH OHOL - AYE  
RANDY ROBERTS - AYE

The Resolution was thereupon declared duly adopted.

Supervisor Ellis and the Town Assessor are requesting authorization to submit a letter of assistance to NYS Office of Real Property Tax Services.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to authorize the Supervisor and the Assessor to request the assistance of the New York State Office of Real Property Tax Services with this project.**

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

#### **2015 YEAR END CLOSEOUT OF ACCOUNTS**

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe it was resolved to authorize the Supervisor to encumber funds, pay bills and make necessary line item transfers to close out the 2015 accounts.**

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

**-Motion Carried-**

**ADDITIONAL MATTERS**

Councilman Foe expressed thanks for everyone's support throughout the year, a safe and happy holiday for everyone in the community.

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts.  
Time: 7:46 pm

Respectfully submitted,

Tamara J. Cooper  
Town Clerk