

**TOWN OF CAMBRIA TOWN BOARD**

**December 11, 2014**

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 11<sup>th</sup> day of December 2014 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 Hurtgam, Councilman  
Randy M. Roberts, Councilman  
Joseph Ohol, Councilman

**ALSO PRESENT:**

Paula N. Jones, Deputy Town Clerk  
Robert Roberson, Attorney  
David Godfrey, Legislator  
19 interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order and the Board members took action upon the following matters:

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Foe, and seconded by Councilman Roberts, it was resolved to approve the minutes of November 6, 2014.**

**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	Claims	3 & 4	\$ 32,600.00
Cemetery Fund	Claim	9	\$ 20.92
Drainage Fund	Claims	24-26	\$ 203.05
General Fund	Claims	471-526	\$ 76,977.87
Highway Fund	Claims	193-214	\$ 78,625.86
Recreation Fund	Claims	66-73	\$ 2,616.00
Refuse Fund	Claim	15	\$ 31,548.57
Sewer Construction Fund	Claims	2 & 3	\$ 1,500.00
Sewer Operating Fund	Claims	41-47	\$ 13,146.37
Trust Agency Fund	Claims	50-58	\$ 12,090.97
Water Operating Fund	Claims	204-231	\$ 74,540.43

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved that the abstract of audited vouchers dated December 11, 2014, be approved as read by the Deputy Town Clerk.**

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

**-Motion Carried-**

**SANITARY SEWER REHABILITATION**

Supervisor Ellis reported the project will begin on December 15, they were originally scheduled to come November 17 but were delayed by the snowstorm; they were stuck on the thruway for 5 days. The project is expected to be completed by the end of the year.

**COMPREHENSIVE PLAN PUBLIC HEARING**

Supervisor Ellis reported that the Comprehensive Plan Advisory Committee has completed its work and would like to schedule a public hearing for January 8, 2015. The committee has forwarded a copy to the Town Board and recommends a public hearing be scheduled.

**WHEREAS**, the Town of Cambria has prepared a proposed new Comprehensive Plan for the Town; and

**WHEREAS**, through the coordinated actions of a Comprehensive Plan Committee, Planning Board, Town Board, other Town Departments and employees, and through the input of Town residents and business, the Town has completed a Draft Comprehensive Plan; and

**WHEREAS**, the Town of Cambria has determined this Draft Comprehensive Plan is sufficiently complete for the official agency input, and continued public review and input, and



**WHEREAS**, James, as a Volunteer Fireman, has continually demonstrated his willingness to place his concern for his fellow man and the overall public good ahead of his own personal interests; and,

**WHEREAS**, James' selfless commitment of his time and personal resources to the volunteer fire service vividly illustrates the essence of volunteerism as an elemental part of the tradition and fabric of our Town and our Country and is essential to the spirit and vitality of our people; and,

**WHEREAS**, the Town of Cambria Town Board desires to recognize M. James Etue for a lifetime of commitment to his community and his neighbors, through his fifty years of service with the Pekin Fire Company.

**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 on this 6<sup>th</sup> day of December 2014 by resolution of the Town Board of the Town of Cambria.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the Proclamations for Floyd C. Harvey and M. James Etue for 50 years of service to Pekin Fire Company.**

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

**-Motion Carried-**

### **TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

Town Clerk Reports:

- Town Clerk Report November: Total Receipts: \$43,891.85
- Building Inspector Report November : Total fees collected: \$ 1,280.00  
Total estimated value of construction: \$2,080,845.00
- Cambria Fire Company is requesting the acceptance of Kenna J. Liddell, 2691 Vanhorn Ave., Newfane, NY 14108 to their active roster and the removal of Adam Boone, 4468 Ridge Rd., Lockport, NY 14094 from their active roster.
- Pekin Fire Company requesting the addition of Zenon Ziuko, 2000 Saunders Settlement Rd., Niagara Falls, NY 14304 to their active roster.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the addition of Kenna J. Liddell to Cambria Fire Company active roster, the removal of Adam Boone from the Cambria Fire Company and the addition of Zenon Ziuko to the Pekin Fire Company active roster.**

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

**-Motion Carried-**

### **HIGHWAY / WATER SEWER REPORTS**

The Town Board authorized Mr. MacSwan to move equipment to Erie County to help with the cleanup. Over \$9,000.00 was spent on wages and benefits, they supplied the fuel. Reimbursement is anticipated to be around \$10,000.00.

### **TOWN POLICY/PROCEDURES REVIEW COMMITTEE**

Councilman Foe reported the team continues to review the Comprehensive Plan and no formal action has been taken.

### **ATTORNEY REPORTS**

No reports presented.

### **CONCERNS OF CITIZENS**

Mr. David Godfrey, legislator, reported the County Legislature passed its budget Tuesday night. The Air Force base is doing well. The radio system has been stalled because a few towers have been put on hold. The North Tonawanda tower will be put up January 13; Lewiston has pushed back due to some zoning issues. If the system is not live by July 1 there will be stiff penalties, \$16,000.00 per day. The Niagara-Orleans Regional Alliance (NORA) is working towards bringing broadband to every rural house hold. The RFI went out and 8 have the required RFP. On December 19 they will receive bids from internet service providers. Proposition 3 passed in November, smart school funding, over 2 billion dollars is set aside for enhancements. Supervisor Ellis indicated the Town joined the Alliance because there is poor service within the Town.

Supervisor Ellis recognized two high school students from Starpoint in attendance for the meeting tonight.

Kelly Stevens, 4304 Upper Mountain Road voiced her displeasure to the Town Board regarding the biosolid issue. Ed Gawel, Green Road also spoke to the Town Board regarding this issue. Supervisor Ellis addressed the audience about the research the Town Board has done concerning this issue:

- 1 ½ year ago (spring) made aware of the notification from DEC to spread on parcels in Niagara County
- In the summertime the Town was faced with the building of a 10,000 gallon lagoon on Baer Rd./Raymond Rd. and the Town challenged it, the Town took action where they legally could and stopped that lagoon
- In September the Town Board from Wheatfield went to Ohio and saw the process
- In October we went to Quasar on Liberty Drive to see how it was handled, what they were doing, what their safety considerations are
- This past winter they had a meeting with David Milleville, the farmer who had many of the permits, he spoke to the Town Board at a work session, the Board was surprised at the detail in the permit from the DEC
- During that time the Town Board has had several discussions with the DEC as questions have come up, Supervisor Ellis has a full binder from John Wozniak from Wheatfield and many discussions in his office with him, Councilman Foe has been in contact with Department of Agriculture & Markets various times.
- Mrs. Wasmund, Upper Mountain Road, raised the question a few months ago if this is linked to cancer and Supervisor Ellis has not found anything to support that claim
- An application of the Type A Class A biosolid was observed by some of the Town Board members

### **NYS DOT LARGE CULVERT REPLACEMENTS-ROUTE 31**

Supervisor Ellis reported New York State DOT will be changing out culverts on Route 31 between Baer Road and Route 429. They are requesting the Town pass a resolution granting authority to the State to have protection and support of the water and sewer lines.

**Resolution granting the State of New York authority to perform the adjustment (protection and support for Water and Sewer infrastructure) for the Town of Cambria during construction and agreement to maintain facilities adjusted via State-let contract and further to authorize the Supervisor to sign the Agreement.**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to grant the State of New York authority to perform the adjustment (protection and support for Water and Sewer infrastructure) for the Town of Cambria during construction and agreement to maintain facilities adjusted via State-let contract and further to authorize the Supervisor to sign the Agreement.**

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

**-Motion Carried-**

### **FOIL REQUEST RE WATER/SEWER INFRASTRUCTURE**

The Town has received a FOIL request for information relative to the Town's water and sewer lines. Due to security considerations the Town finds it necessary to challenge this request.

**WHEREAS**, pursuant to NYS Public Health Law Title II A Section 1125 as amended in August 2002 , which mandates { §1125 (2)(k) } each water supplier prepare a vulnerability analysis assessment, including an analysis of vulnerability to terrorist attack . . . the Town of Cambria prepared and filed its Water Supply Emergency Response Plan , dated December 30, 2002, as required by law, and

**WHEREAS** the said plan was updated December 30, 2007 and December 30, 2012, and

**WHEREAS** , pursuant to Public Health Law §1125 (3) the Town shall exempt from public disclosure and comment any information it determines to pose a security risk to the operation of the Water Supply System, and

**WHEREAS**, pursuant to Public Health Law §1125 (8) the Commissioner shall keep confidential

(A) all vulnerability analysis assessments and all information derived there from and

(B) all information determined by a water supplier to pose a security risk to the operation of its Water Supply System,

**NOW, THEREFORE, BE IT RESOLVED THAT**

1. The Town Board of the Town of Cambria approves and adopts the Water Supply Emergency Response Plan No. NY3100557 now on file with the Commissioner of Public Health,
2. That all the information about the Town of Cambria Water Supply System set forth in said Plan is hereby determined by the Town Board to be confidential, the disclosure of which would pose a security risk to the operation of the Town of Cambria Water Supply System.
3. The Town Board of the Town of Cambria further determines that the disclosure of comprehensive maps of the Water Supply System, the comprehensive disclosure of the various facilities and components comprising said system, the comprehensive disclosure of the location, extent and dates of various improvements, made to the system, the comprehensive disclosure of the location,, dates and extent of various repairs made to the system and the comprehensive disclosure of the names and addresses of the

various contractors which installed improvements or provided repair services together with the location, date and extent of such services pose security risks to the operation of the System and its various facilities and shall be confidential.

4. The Town Board recognizes that from time to time, information regarding the System will necessarily need to be disclosed to facilitate the construction of improvements and/or to make necessary repairs. Such information may be disclosed as deemed necessary and appropriate to facilitate such activities to the extent authorized by the Supervisor and/or Town Board. The Supervisor and/or Town Board may also disclose such information from time to time, to the extent reasonable and necessary upon appropriate and lawful request on a need-to-know basis. This includes cooperating with Dig Safe New York and requests from utilities and other municipal agencies. Any attempt to circumvent these disclosure limitations by any scheme or artifice is prohibited.
5. The determinations made herein as to the threats to security and security risks relating to the Town of Cambria Water Supply System shall apply with the equal force to the Town of Cambria public sewer system and its components commonly known as the Town of Cambria Sewer District No. 1. The authorization providing for disclosure of information herein shall apply with equal force to Sewer District No. 1 and its components.
6. Upon its adoption, copy of this Resolution shall be filed with the Commissioner as part of the above-identified plan.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to adopt the foregoing resolution.**

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

**-Motion Carried-**

#### **NIAGARA-ORLEANS REGIONAL ALLIANCE (NORA) RURAL BROADBAND INITIATIVE**

Supervisor Ellis thanked Mr. Godfrey for addressing this matter.

#### **TOWN PARK AGRICULTURAL LEASE**

Supervisor Ellis reported it is time to renew the agriculture lease with Danielewicz Farm Inc. The lease has been for \$35/acre for the last 5 years. The new agreement is for 5 years for \$45/acre. There is a paragraph in the lease that gives the Town the right to change the amount of the acreage.

**WHEREAS**, the Town owns certain real property on Upper Mountain Road, consisting of approximately 108 acres, more or less and proposes to lease approximately 30 acres of said parcel; and

**WHEREAS**, this property is not required for municipal purposes and may be leased for \$45.00 an acre.

**NOW, THEREFORE**, the Town Board does hereby declare the 30 acre parcel as surplus, not currently required for Town purposes; and further

**RESOLVES**, to authorize its Supervisor to enter into a five (5) year Lease and terms to be negotiated between the parties; and further

**RESOLVES**, that this Lease is subject to permissive referendum pursuant to Town Law.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to adopt the foregoing resolution.**

**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 15-18, 2015.

**Upon a motion duly made by Councilman Roberts 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 15-18, 2015.**

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

**-Motion Carried-**

**YEAR END CLOSEOUT OF 2014 ACCOUNTS**

**Upon a motion duly made by Councilman Hurtgam 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 2014 accounts.**

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

**-Motion Carried-**

**ADDITIONAL MATTERS**

Supervisor Ellis discussed the refuse district budget and the new recycle cart program that saves the Town \$3,400.00 a month. The Town entered into the new program after the 2014 budget had been approved. The total cost for the recycle carts is \$99,000.00 which will be paid back over 2 ½ years. The budget was reduced for 2015.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol it was resolved to authorize the Supervisor to transfer \$35,000.00 from unassigned fund balance in the Refuse District fund to cover the purchase of the recycling carts \$99,032.04 not included in the 2014 budget.**

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

**-Motion Carried-**

**WHEREAS**, all Town of Cambria offices are scheduled to be closed on December 25; and

**WHEREAS**, December 26 falls on the Friday between Christmas and the weekend,

**NOW, THEREFORE** it is hereby **RESOLVED** that the Town of Cambria Town Hall shall be closed on December 26 and all nonunion employees are not required to report to work.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Ohol it was resolved to approve the foregoing resolution.**

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

**-Motion Carried-**

Supervisor Ellis reported the Western New York Volunteer Fireman's Association is having their 116<sup>th</sup> convention hosted by the Cambria Volunteer Fire Company July 23-25, 2015. They are requesting some financial support and use of the Town's portable 60kw generator; the Town Board will address those issues in January.

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts.  
Time: 8:52 pm

Respectfully submitted,

Paula N. Jones  
Deputy Town Clerk