

TOWN OF CAMBRIA TOWN BOARD

December 8, 2016

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 8th day of December 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
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Robert Klavoon, Wendel
David Godfrey, Legislator
6 interested individuals

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

APPROVAL OF MINUTES

CORRECTION OCTOBER 4, 2016, MINUTES:

Supervisor Ellis indicated in the October 4, 2016 minutes, there is a reference to hard plastics and it should be agricultural plastics

Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to approve the correction for the Minutes of the Town Board meetings: October 4, 2016.

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

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the Minutes of the Town Board meeting of November 10, 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:

Drainage Fund	Claims	16	\$ 515.00
General Fund	Claims	506-555	\$ 90,855.20
Highway Fund	Claims	213-227	\$ 66,819.09
Highway CP	Claims	1	\$ 201,838.69
Refuse Fund	Claims	16-18	\$ 34,756.96
Sewer Operating Fund	Claims	41-44	\$ 9,259.67
Town Park Construction Fund	Claims	17	\$ 131,907.00
Trust & Agency	Claims	30-31	\$ 596.92
Water Construction Fund	Claims	25-26	\$ 9,494.44
Water Operating Fund	Claims	175-186	\$ 20,030.03

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved that the abstract of audited vouchers dated December 8, 2016, be approved as read by the Town Clerk.

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

Robert Klavoon, Wendel Engineers, reported on the following:

TOWN PARK COMFORT STATION

- The Comfort Station construction at the Town Park is still ongoing. Kirst Construction is finishing up the interior painting and millwork, septic system installation and final site grading.

- Requesting approval for CO # 2- extension of Time which will bring the final completion date to December 21, 2016.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to approve Change Order #2- to Kirst Construction for a time extension which will move the completion date of the Town Park Comfort Station to December 21, 2016.

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

- Requesting approval for Pay Application 3 in the amount of \$131,907.00.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to approve Payment Applicaiton #3- to Kirst Construction, Town Park Comfort Station.

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

NATURAL GAS PROJECT

Supervisor Ellis indicated the Town Garage natural gas conversion by Hoot Mechanical is complete. The conversion for the Town Hall is set for December 9, 2016 and the Community Room and Records Storage Room will be next week. The Town will continue to use propane for the emergency generators.

ZONING ORDINANCE REVISION

Supervisor Ellis reported a public hearing was held on November 12, 2016, on the Zoning Ordinance Revisions. Since that time the Town has received the final responses to the SEQR action.

RESOLUTION SEQR NEGATIVE DECLARATION ZONING ORDINANCE AMENDMENTS

WHEREAS, the Town of Cambria Zoning Ordinance contains and specifies local laws, and ordinances of the Town of Cambria; and

WHEREAS, the Town Policy and Procedures Review Committee has evaluated these regulations and prepared draft language to amend various definitions and sections throughout the Zoning Ordinance; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act-SEQR) of the Environmental Conservation Law, the Cambria Town Board has completed a SEQR of the Lead Agency Designation and coordinated review mailing; and

WHEREAS, the Town has received concurrence on the Lead Agency designation from the NYSDEC, Niagara County Planning Board, and Ag & Markets; and

WHEREAS, the Town has identified that there are no other Permitting or Approval agencies for this action; and

WHEREAS, a public hearing was held on November 10, 2016 regarding these Zoning Code amendments, and no adverse comments were received; and

WHEREAS, the proposed amendments were referred to the Niagara County Planning Board and were duly recommended for approval.

WHEREAS, the Town Board is proposing to adopt these Zoning Ordinance amendments,

NOW, THEREFORE, BE IT RESOLVED, the Cambria Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed adoption of these Zoning Ordinance amendments, will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues a SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations; and

BE IT FURTHER RESOLVED THAT, the Supervisor is authorized to sign the Environmental Assessment Form (EAF), which will represent the SEQR Negative Declaration.

RESOLUTION SEQR NEGATIVE DECLARATION ON PROPOSED ZONING ORDINANCE AMENDMENTS

Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to approving the Resolution SEQR Negative Declaration on the proposed Zoning Ordinance Amendments.

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

**ADOPT ZONING ORDINANCE AMENDMENTS
DECEMBER 31, 2015**

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to adopt the Amendment's to the Town of Cambria Zoning Ordinance as set forth in the document dated December 31, 2015.

Roll Call Vote:

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

**ADOPT ZONING ORDINANCE
OCTOBER 12, 2016**

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to adopt the Zoning Ordinance dated October 12, 2016 as presented at the Public Hearing on November 12, 2016.

Roll Call Vote:

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

Supervisor Ellis expressed his thanks to the Town Policy and Procedures Review Committee headed by Councilman Foe and Councilman Roberts in addition to the committee members from the Building Inspector's office and the Town Clerk's office.

NYS COMPTROLLER AUDIT

Supervisor Ellis reported that the Audit is under way. The NYS Retirement System has been inspected and now he is moving on to the Town's financial operations.

MODERN DISPOSAL SERVICES INC. Agreement

Supervisor Ellis indicated that the Agreement with Modern Disposal Services, Inc. was received on November 16, 2016, after the Bid for services was accepted. The agreement was received after the November Town Board meeting and signing it could not wait until the December meeting. The Supervisor signed the agreement and is requesting the Town Board ratify his action.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to ratify the Supervisors action to sign the Agreement with Modern Disposal Services Inc., for refuse/recycling collection dated November 16, 2016.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report November: Total Receipts: \$72,519.29
- Building Inspector Report November: Total fees collected: \$ 942.50
Total estimated value of construction: \$32,400.00
- The Highway Superintendent is requesting truck #11-0919-1994 Maroon Chevy 2500 Pick-up be declared surplus.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to declare as surplus truck #11-0919-1994 Maroon Chevy 2500 Pick-up and authorize Superintendent to dispose of at auction.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

No reports.

WATER/SEWER DEPARTMENTS

No reports.

TOWN POLICY AND PROCEDURES REVIEW COMMITTEE

No reports.

ATTORNEY REPORTS

Mr. Roberson reported the following:

- Town has successfully completed the financing of the Cambria/Comstock/Subbera Road Waterline Project- \$815,000.00 BAN.
- Closed on the financing of the 2017 Kenworth truck purchase- \$80,000.00 BAN.

CONCERNS OF CITIZENS

David Godfrey, Legislator, reported on the following:

- Legislature passed resolutions for casino funds which includes the Town of Cambria Historical Society new doors.
- Legislature passed a resolution in support of Congressman Collins bill regarding encroachment on the Air Base having to do with wind turbines.
- Regional Dredging Plan- looking to create an LDC in order to keep the harbors open-Congressman Collins is contributing \$75,000.00 in order to help this effort.
- Broadband-Time Warner/Charter stated that year one build out includes Niagara and Orleans Counties, which will receive 95% coverage. Unfortunately, last mile remains uncovered.

Supervisor Ellis acknowledged two Starpoint students who were in attendance for government class.

2016 YEAR END CLOSEOUT OF ACCOUNTS

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol it was resolved to authorize the Supervisor to encumber funds, pay bills and make necessary line item transfers to close out the 2016 accounts.

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 benefit accrued liability.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, 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 benefit accrued liability.

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

ADDITIONAL MATTERS

The January 12, 2017, Regular/Re-Organizational Meeting will be moved to **January 5, 2016, 7:00 pm.**

Councilman Ohol, on behalf of the Town Board, Town Clerk and Attorney wished everyone a safe holiday season & Merry Christmas.

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts.
Time: 7:30pm

Respectfully submitted,

Tamara J. Cooper
Town Clerk