

TOWN OF CAMBRIA TOWN BOARD

February 9, 2017

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 9th day of February 2017 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
Matthew 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
Jamie Johnson, Wendel
8 interested persons

Following salute to the flag, Supervisor Ellis opened the public hearing on the Construction of Town Park Comfort Station.

PUBLIC HEARING – Construction of Town Park Comfort Station

The Clerk read the following public hearing notice:

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria, Niagara County, New York, will meet at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York, on the 9th day of February, 2017 at 7:00 p.m. for the purpose of conducting a Public Hearing on a certain map, plan and report and estimate of cost relating to the proposed construction of the Town Park Comfort Station to be constructed in the Town Park of said Town at an estimated maximum cost of \$544,782.00 and authorizing the issuance of \$200,000.00 serial bond and to provide for the financing thereof, at which time and place the said Town Board will hear all persons interested. A copy of said map, plan and estimate of cost is on file in the office of the Town Clerk where the same may be examined by interested persons during regular business hours.

Supervisor Ellis opened the public hearing for comment. Supervisor Ellis reported the Comfort Station is about 95% completed. In addition to the Bond Anticipation Note for \$200,000.00 which will be paid back over 5 years from the Park Fund, the Town has been fortunate enough to obtain about \$225,000.00 in grants to help finance the project.

As there were no comments from the public, the public hearing was closed.

Supervisor Ellis opened the second public hearing on Local Law No. 1 ó 2017 Real Property Tax Exemptions for persons with Disabilities and limited incomes

PUBLIC HEARING – Local Law No. 1 – 2017 Real Property Tax Exemptions for Persons with Disabilities and Limited Incomes

The Clerk read the following public hearing notice:

The Town Board of the Town of Cambria, Niagara County, New York, will hold a public hearing at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York, on the 9th day of February, 2017 at 7:00 p.m. to hear and consider the adoption of Local Law No. 1 ó 2017 providing for an amendment to Local Law No. 2 ó 1998 relating to Real Property Tax Exemptions for persons with disabilities and limited incomes in accordance with Section 459-c of the New York State Real Property Tax Law.

Local Law no.1 ó 2017 Real Property Tax Exemptions amending tax exemptions set forth in Local Law No. 2 ó 2017 to be as follows:

Annual Income			
More than:	Less than:	\$ Change	Exemption %
\$ 0.00	17,500		50%
17,500	18,500	+\$1,000	45%
18,500	19,500	+\$2,000	40%
19,500	20,500	+\$3,000	35%
20,500	21,400	+\$3,900	30%
21,400	22,300	+\$4,800	25%
22,300	23,200	+\$5,700	20%
23,200	24,100	+\$6,600	15%
24,100	25,000	+\$7,500	10%
25,000	25,900	+\$8,400	5%

The Tax Exemption schedule set forth in this Local Law may be amended from time to time by Resolution of the Town Board.

All parties in interest will be heard at the public hearing to be held aforesaid.

Supervisor Ellis reported the Town has had the Local Law since 1998 and this is an update to follow suit with the Niagara County Legislature which amended their Local Law in October of 2016. It covers annual incomes from \$17,500 up to \$25,900.

As there were no comments from the public, the public hearing was closed.

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 January 5, 2017- regular meeting; January 26, 2017- special meeting.

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	1-2	\$ 1,727.50
General Fund	Claims	16-83	\$ 127,945.28
Highway Fund	Claims	2-23	\$ 60,692.01
Refuse Fund	Claim	1	\$ 30,869.46
Sewer Operating Fund	Claims	1-9	\$ 263,419.47
Town Park Capital Projects Fund	Claims	1-2	\$ 8,839.68
Water Operating Fund	Claims	1-29	\$ 58,086.77

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved that the abstract of audited vouchers dated February 9, 2017, be approved as read by the Town Clerk.

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

TOWN PARK COMFORT STATION BAN

BOND RESOLUTION DATED FEBRUARY 9, 2017

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A COMFORT STATION WITH RESTROOM FACILITIES, TOGETHER WITH STORAGE AND VENDOR FACILITIES AT AN ESTIMATED MAXIMUM COST OF \$544,782.00 AUTHORIZING THE ISSUANCE OF \$200,000.00 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, pursuant to proceedings hereto had and taken in accordance with the provisions of Section 202-b of the Town Law, the Town Board of the Town of Cambria, Niagara County, New York, has determined it to be in the public interest to increase and improve facilities of the Town park in said Town, and

WHEREAS, it is now desired to authorize the construction of a comfort station providing restroom facilities, with handicap access together with areas for concession facilities and operation and storage facilities at a maximum estimated costs of \$544,782.00 and authorizing the issuance of \$200,000 serial bonds, and to provide for the financing thereof in accordance with the aforesaid order;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cambria, Niagara County, New York, as follows:

Section 1. The construction of a comfort station providing restroom facilities, with handicap access, together with areas for concession facilities and operation and storage facilities at a maximum estimated cost of \$544,782.00 and authorizing the issuance of \$200,000.00 serial bonds, and to provide for the financing thereof in and for the Town of Cambria, Niagara County, New York, as more fully described in the aforesaid proceedings, is hereby authorized.

Section 2. The maximum estimated cost of such specific object or purpose is \$544,782.00 and the plan for financing thereof is \$200,000.00 by the issuance of the serial bonds of said Town hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to the said bonds will be prescribed in a further resolution or resolutions of this Town Board.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to the subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed not five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Cambria, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. All the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are not authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in the Union Sun & Journal, the official newspaper, together with a notice of the Town Clerk, in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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

The Resolution was thereupon declared duly adopted.

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-

LOCAL LAW AMENDMENTS REGARDING REAL PROPERTY TAX EXEMPTIONS

LOCAL LAW NO. 1 OF THE YEAR, 2017

a Local Law Amending Local Law No. 2 of 1998 Relating to Real Property Tax Exemptions

1. A Local Law amending Local Law No. 2-1998 relating to Real Property Tax Exemptions for persons with disabilities and limited incomes in accordance with Section 459-c of the New York State Real Property Tax Law by adopting the below set forth Real Property Tax Exemption schedule:

Annual Income

More than:	Less than:	\$ Change	Exemption %
\$ 0.00	17,500		50%
17,500	18,500	+\$1,000	45%
18,500	19,500	+\$2,000	40%
19,500	20,500	+\$3,000	35%
20,500	21,400	+\$3,900	30%
21,400	22,300	+\$4,800	25%
22,300	23,200	+\$5,700	20%
23,200	24,100	+\$6,600	15%
24,100	25,000	+\$7,500	10%
25,000	25,900	+\$8,400	5%

2. The Tax Exemption schedule set forth in this Local Law may be amended from time to time by Resolution of the Town Board.
3. This Local Law shall be effective commencing January 1, 2017.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to approve the LOCAL LAW NO. 1 OF THE YEAR, 2017 a Local Law Amending Local Law No. 2 of 1998 Relating to Real Property Tax Exemptions for persons with disabilities and limited incomes as shown above.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

Supervisor Ellis explained the next resolution is for an amendment to Local Law No. 2 of 1996 pertaining to Over 65 Real Property Tax Exemption Schedule; this does not require a public hearing because the original local law provided for amendments as necessary by simple resolution of the Town Board. The local law the Town Board just approved now includes that phrase so going forward another public hearing will not be necessary.

**Amendment to LOCAL LAW NO. 2 OF 1996
Pertaining to Over 65 Real Property Tax Exemption Schedule
Amendment to Resolution of Town Board Adopted February 12, 2004
Amendment to Resolution of Town Board Adopted November 9, 2006**

Annual Income		
More than:	Less than:	Exemption %
\$ 0.00	21,000	50%
21,000	21,999.99	45%
22,000	22,999.99	40%
23,000	23,999.99	35%
24,000	24,899.99	30%
24,900	25,799.99	25%
25,800	26,699.99	20%
26,700	27,599.99	15%
27,600	28,499.99	10%

Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam it was resolved to approve the Amendment to LOCAL LAW NO. 2 OF 1996 Pertaining to Over 65 Real Property Tax Exemption Schedule as shown above.

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

ENGINEERING PROPOSALS REGARDING GIS SERVICES AND TRAINING

Jamie Johnson, Wendel Engineers, reported on the following:

- The GIS web mapping application framework needs to be updated, new technology does not support the current programs. Wendel is proposing a lump sum fee of \$10,000.00 to do the necessary upgrades.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the GIS web mapping application upgrade proposal from Wendel, lump sum fee of \$10,000.00.

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

- The second proposal is related to new and improved GPS data collection and the associated training that goes with it. Wendel is proposing a lump sum fee of \$2,750.00.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam it was resolved to approve the GPS data collection setup and training proposal from Wendel, lump sum fee of \$2,750.00.

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

- The Town operates and maintains the pump station owned by BOCES, adjacent to Niagara County Community College. It's an aging system, needs some repairs. Wendel's proposal is for the engineering services during the design, RFP and construction portion of the project for a lump sum fee of \$4,500.00.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts it was resolved to approve the proposal for engineering services for the Niagara/Orleans BOCES pump station rehabilitation from Wendel, lump sum fee of \$4,500.00.

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

NYS COMPROLLER AUDIT

Supervisor Ellis reported that the NYS State Audit of the Town's financials is still ongoing.

TOWN CLERK REPORTS

The Town Clerk, reported receipt of the following:

- Town Clerk Report January: Total Receipts: \$26,808.41
- Building Inspector Report January: Total fees collected: \$ 2,975.60
Total estimated value of construction: \$641,897.00
- In receipt of a request from Cambria Volunteer Fire Co. to remove Roger Schreder Sr., 5175 Upper Mountain Road, Lockport from the active roster and to add new member Paul Matthews, 5462 Upper Mountain Road, Lockport to the active roster. Physical paperwork was received on February 6, 2017.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to add new member Paul Matthews, 5462 Upper Mountain Road, Lockport to the active roster; physical paperwork was received on February 6, 2017 and to remove Roger Schreder Sr., 5175 Upper Mountain Road, Lockport from the active roster with regret, from the Cambria Volunteer Fire Co active roster.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

- In receipt of a letter from the DOT regarding the signal light on Upper Mountain and Junction Roads, an evaluation of data was completed and based on the analysis they have determined that a signal will not be installed at this location. However, they will be implementing other enhancements to better emphasize the stop condition. This will include dual posting of the "stop ahead" signs with supplemental warning flags and retroreflective pavement marking stop bars on all four approaches and red retroreflective strip to each of the stop sign posts to provide greater emphasis of the all way stop.
- Supervisor Ellis reported the Town is in receipt of another petition from residents of Plank and Ridge Roads for a traffic light to be installed at this intersection. Stephen Perrillo and Shirley Urtel spoke to the Town Board on behalf of those residents. The Town Clerk will submit the petition and a letter from the Town Board requesting a traffic study for this area.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to accept the petition dated January 7, 2017 from several Cambria residents living in the area of Plank and Ridge Roads in the Town of Cambria petition the State of New York to construct a guardrail on the Southeast corner of Plank Road and Ridge Road and also to add a light and adjust the speed limits in that area and to forward this to the New York State Department of Transportation via Niagara County.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- The mild winter has allowed them to get caught up with summer equipment
- They have lots of salt, still have to purchase their quota, but in good shape if the weather turns

WATER/SEWER DEPARTMENTS

- One water leak on a residents private property, the leak was located and fixed

ATTORNEY REPORTS

No reports.

CONCERNS OF CITIZENS

Legislator Godfrey reported the following:

- He is bringing a Cold War Veterans resolution to the State
- The Niagara Falls Airbase is facing a BRAC soon, the Army and Air Force are fighting to push it back
- Regarding Lake Ontario, IJC passed their 2014 plan, it's on hold right now in Washington, a letter from the Counties was hand delivered to President Trump requesting it be rejected because that plan would change the lake levels and damage the harbors
- Working on getting a regional plan to dredge our own harbors ourselves

APPROVE ROSTERS OF CAMBRIA AND PEKIN FIRE COMPANIES

Supervisor Ellis reported the rosters of the Cambria & Pekin Fire Companies have been received.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the rosters of Cambria Volunteer Fire Company, Inc. dated 2/8/2017 and the Pekin Fire Company dated 2/9/2017.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

MOUNT VIEW CEMETERY SCHEDULE OF FEES

Supervisor Ellis explained the Town took over the cemetery in January 2002. A fee schedule for lots, interment fees and cremains garden was established at that time and has not been adjusted since 2002. A survey of other cemeteries within the county was conducted and found we are quite a ways behind. The following adjustments to the fee schedule have been proposed:

Sale of Lots		Cremains Garden	
Resident	\$600.00	Resident	\$300.00
Non-Resident	\$800.00	Non-Resident	\$450.00
Interment Fees			
Regular	\$700.00		
Cremains	\$300.00		

An additional \$50.00 will be added to interments from November 15-March 15.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved to approve the new schedule of fees for Mount View Cemetery.

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

2017 KENWORTH T470 CAB/CHASSIS WITH 10' DUMP BODY & PLOW EQUIPMENT

Supervisor Ellis stated the Town is purchasing another new truck for the Highway Department. It will be purchased under the Onondaga bid reference 7823 at a total cost of \$174,780.00 to be financed through a 5 year lease with Key Government Finance as set forth in their proposal dated January 24, 2017.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to authorize the Supervisor to sign the necessary documents to purchase a 2017 Kenworth T470 Cab/Chassis with 10' Dump Body & Plow Equipment.

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

Councilman Foe noted this is the start of a new program the Town will institute for large truck purchases by leasing a new truck every 5 years instead of coming up with several hundred thousands of dollars to replace a truck. This will be a lease to own program.

Supervisor Ellis would like to declare as surplus the 2009 Peterbilt tandem VIN # 1NPTL00X39N771739 with a 15ø dump box and snow plow equipment.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved to declare the 2009 Peterbilt tandem VIN # 1NPTL00X39N771739 with 15' dump box and snow plow equipment as surplus.

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

Supervisor Ellis would like to authorize the sale of the 2009 Peterbilt tandem VIN # 1NPTL00X39N771739 with 15ø dump box and snow plow equipment as is to the City of North Tonawanda at a sale price of \$72,500.00.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize the sale of the 2009 Peterbilt tandem VIN # 1NPTL00X39N771739 with 15' dump box and snow plow equipment as is to the City of North Tonawanda at a sale price of \$72,500.00.

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

CERTIFICATE OF APPRECIATION

Supervisor Ellis expressed appreciation to Henry G. Peters for his 20 years of service to the Town of Cambria as Town Justice and will present a certificate of appreciation on behalf of the Town Board to him.

CERTIFICATE OF APPRECIATION

Presented to

HENRY G. PETERS

WHEREAS, HENRY G. PETERS has served as Justice of the Peace and Town Justice of the Town of Cambria for twenty years; and

WHEREAS, HENRY has been a dedicated elected official and has contributed to the success of community endeavors; and

WHEREAS, HENRY G. PETERS has worked among the people in our Community, dealing with Community issues and has consistently performed to the best of his ability during his tenure as Town Justice; and

WHEREAS, HENRY G. PETERS has earned and justly deserves this public recognition for his many years of service to our community;

NOW, THEREFORE, the Town Board of the Town of Cambria wishes to express its deep appreciation to Henry G. Peters for meritorious service, loyalty and dedication to the Town of Cambria and further wishes to extend personal congratulations and best wishes to Henry G. Peters for continued success in his life's pursuits.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the certificate of appreciation for Henry G. Peters.

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

AGREEMENT TO EXPEND TOWN HIGHWAY FUNDS

Supervisor Ellis reported the annual agreement to expend Town Highway funds needs to be approved; the sum of \$500,910.00 may be expended for general repairs of 31.58 miles of Town roads and highways. The improvements will focus on Blackman Road between Thrall and Upper Mountain Roads distance of 1.2 miles, on Suberra Road between NYS Route 31 and Upper Mountain Road distance of 1.2 miles and on Raymond Road from Baer Road to the bridge approximately 0.76 miles.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Ohol, it was resolved to approve the agreement to spend Town Highway funds.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

Councilman Foe mentioned the moratorium on large scale solar , the Town Board is working diligently on this issue.

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Ohol.
Time: 8:50 pm

Respectfully submitted,

Tamara J. Cooper
Town Clerk