

TOWN OF CAMBRIA TOWN BOARD

January 14, 2016

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 14th day of January 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 T. MacSwan, Highway Superintendent
Robert Roberson, Attorney
Jamie Johnson, Wendel
Robert Klavoon, Wendel
7 interested individuals

Following salute to the flag, Supervisor Ellis opened the public hearing for the Amendment to the Zoning Ordinance-Cambria Fair Village Planned Development District for the Town of Cambria.

The Clerk read the following Notice of Public Hearing:

**TOWN OF CAMBRIA
NOTICE OF PUBLIC HEARING
Amendment to Zoning Ordinance**

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will conduct a Public Hearing at the Cambria Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, on the 14th day of January, 2016 at 7:00 p.m. to hear and consider amending Town of Cambria Zoning Ordinance as follows:

1. Creating the Cambria Fair Village Planned Development District which District shall consist solely of that 8.9 acres parcel of land identified as SBL No. 12061761.5, situate on the west side of Unicorn Drive, at the former Lockport Air Force Base, Town of Cambria, Niagara County, State of New York.
2. Adopting the proposed Rules & Regulations dated October 2015 for the Cambria Fair Village Planned Development District to incorporated into the Town of Cambria Zoning Ordinance and annexed thereto as Appendix A thereof.
3. Repealing and declaring null and void any Planned Unit Development designation heretofore made or granted to the above identified parcel of land. Copies of the proposed Rules and Regulations for the Cambria Fair Village Planned Development District are on file in the Office of the Town Clerk and may be examined or copied during regular business hours. This Amendment will be effective upon adoption by the Town Board.

All persons in interest shall be heard at the public hearing to be held as aforesaid.

**note-parcel number should be: 120-17-2-1.5*

Supervisor Ellis gave a brief explanation as to the purpose of the public hearing and then opened it up for public comment.

Susan Davis-
5849 Shawnee Road, Sanborn

Paul Jacus-
5839 Shawnee Road, Sanborn

Mr. Jacus and Ms. Davis own property that adjoins the proposed planned development site. They were concerned with what will be put on that property and if it would affect them in any way. Supervisor Ellis indicated that it will be most likely a retail business, small commercial business or some sort of residential area.

Tom Clark-lives in North Tonawanda, but owns and rents out his house at the end of Unicorn Drive.

Mr. Clark and his wife own a house at the corner that they rent out. They are concerned about the area becoming housing for sex offenders. Supervisor Ellis indicated that this is not one of the options available according to the permitted uses and prohibited uses.

Robert Roberson, Town Attorney, stated that the names and addresses of the adjoined landowners, as provided by the Town Assessor, were given notice of this amendment by mail along with Belmont Housing of WNY and Town of Cambria Housing Authority.

Supervisor Ellis closed the public hearing and called the regular 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 Foe, it was resolved to approve the Minutes of the Town Board meeting of December 10, 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:

December 31, 2015

Cemetery Fund	Claim	13-14	\$	84.00
Drainage Fund	Claims	18	\$	39.84
General Fund	Claims	588-633	\$	46,285.02
Highway Fund	Claims	219-228	\$	4,550.27
Recreation Fund	Claims	70	\$	991.21
Refuse Fund	Claims	18-19	\$	33,788.76
Sewer Operating Fund	Claims	44-49	\$	549.25
Trust & Agency	Claims	30-34	\$	971.50
Water Construction	Claims	13	\$	249.80
Water Operating Fund	Claims	216-234	\$	8,753.56

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Drainage Fund	Claims	1	\$	1,250.00
General Fund	Claims	1-20	\$	66,441.28
Highway Fund	Claims	1-6	\$	19,972.46
Sewer Operating Fund	Claims	1	\$	600.00
Trust & Agency	Claims	1	\$	10,384.67
Water Operating Fund	Claims	1-7	\$	42,267.15

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved that the abstract of audited vouchers dated December 31, 2015 and January 14, 2016, be approved as read by the Town Clerk.

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

RE-ORGANIZATIONAL RESOLUTIONS

The following re-organizational appointments, meeting schedules, salary schedules and various authorizations, numbered 1-34 were presented for the Board's consideration:

- 1. Town Board Meeting** 2nd Thursday of each month at 7 PM at the Town Hall; work meeting as scheduled.
- 2. Planning Board Meeting** 3rd Monday of each month at 7 PM at the Town Hall; Exceptions due to conflicts relating to certain holidays.
- 3. Zoning Board Meeting** 4th Monday of each month at 7 PM at the Town Hall; Exceptions due to conflicts relating to certain holidays.
- 4. Newspaper Publications** Authorize advertising in Union Sun & Journal or Niagara Gazette, as needed.
- 5. Official Banks** KeyBank (Sanborn/Cambria) for Town Justices
M & T Bank (Lockport) for all other departments
- 6. Authorize Supervisor to invest money in accordance with the Investment Policy as reviewed and approved.**
- 7. Approve 2016 Fee Schedule**
- 8. Authorize Department Heads and Elected Officials and/or their designees to attend monthly and regional association meetings / training schools as scheduled.**

9. APPOINTMENTS:

Buildings-Grounds Maintenance Manager	Jon T. MacSwan, one-year term
Cemetery Superintendent	Jon T. MacSwan, one-year term
Cemetery Supt. Assistant	Steven M. Kroening, one-year term

Computer Tech. Committee	Matthew P. Foe, one-year term Lynn J. Schlemmer, one-year term
Drainage Committee	Matthew P. Foe, one-year term Joseph Ohol, one-year term Steven M. Kroening, one-year term Jon T. MacSwan, one-year term
Ethics Board	<hr/> three-year term expiring 12/31/18
Highway Foreman	Steven M. Kroening, one-year term
Planning Board Chairman	William J. Amacher, one-year term
Planning Board Member	John W. Phillips five-year term expiring 12/31/20
Alternate Member	_____ one year term
Baseball Director	Rodney J Hogg, one year term
Water-Sewer Department Manager	Jon T. MacSwan, one-year term
Water-Sewer Department Foreman	Randall J. Shoop, one-year term
Zoning Board of Appeals Chairman	Michael D. Sieczkowski, one-year term
Zoning Board of Appeals Member	Peter A. Smith five-year term expiring 12/31/20
Alternate Member	Bradley Rowles, one year term

10. Approve the 2016 Town of Cambria Volunteer Firemen’s Service Award point system for Cambria and Pekin Fire Companies

11. Authorize Supervisor to sign and pay contracts/agreements as follows:

Cambria Housing Authority	10,000.00
Dale Association	5,000.00
Friendship Club	1,000.00
Niagara Community Action Program	2,500.00
Niagara County SPCA	10,224.00
Niagara Military Affairs Council (NIMAC)	1,500.00
Ransomville Library	3,825.00
Sanborn-Pekin Library	34,000.00
Sanborn Post 969 - American Legion	500.00
Sanbornites	4,000.00

12. Authorize Supervisor to pay all utilities, refuse, medical insurance, authorized payroll deductions, charge account invoices and postage as billed.

13. Designation of C. W. Baker Insurance Agency, Inc. as Agent for Town Insurance.

14. Authorize Supervisor to enter into 2016 agreements with Brandt, Roberson and Brandt PC for legal services. Gary Billingsley for legal services, relative to Justice Court and Planning/Zoning Boards. Wendel Companies for engineering services.

15. Authorize rate of pay (annual) for Town Employees-Officers as follows:

Administrative Assistant	55,610.00	Historian	3,350.00
Assessor	40,675.00	Historian - Deputy	1,340.00
Baseball Director	3,405.00	Records Management Officer	1,850.00
Budget Officer	2,970.00	Recreation Director	7,740.00
Building Inspector	21,300.00	Registrar Vital Stats	1,090.00
Building/Grounds Manager	2,760.00	Registrar Vital Stats - Deputy	573.00
Cemetery Superintendent - Assistant	1,872.00	Sewer-Water Manager	1,845.00
Foreman - Highway	1,316.29	Tax Collector - Deputy	1,460.00
Foreman - Sewer - Water	3,582.98	Town Clerk - Deputy I	34,170.00

16. Authorize pay rates for Town Employees as follows:

Department	Position	Full Time per hour	Part Time per hour
Highway	Laborer	9.00 to 10.20	9.00 to 9.00
	Mechanic	22.72	-----
	Truck Driver	N/A	10.00 to 11.00
	Motor Equipment Operator	22.72	-----
Water - Sewer	Laborer	9.00 to 10.20	9.00 to 9.00
	Maintenance - Sewer	22.72	-----
	Maintenance -Water	22.72	-----

- 17. Elections - Voting Machine Inspectors 20.00 per machine/per occasion
- 18. Assessment Review Board - Member 95.00 first day
85.00 additional day(s)
- 19. Planning Board - Chairman 100.00 meeting
- Member 67.00 meeting
- Alternate 25.00 meeting
- 20. Zoning Board - Chairman 100.00 meeting
- Member 67.00 meeting
- Alternate 25.00 meeting
- 21. Account Clerk Typist 15.75 per hour
- 22. Clerk 12.55 per hour
- 23. Groundsperson I 10.05 per hour
- 24. Groundsperson II 9.65 per hour
- 25. Highway Clerk 14.85 per hour
- 26. Justice Clerk (2) 17.65 per hour
- 27. Justice Court Officers 19.50 per hour
- 28. Laborer - Buildings 11.80 per hour
- 29. Laborer - Town Park (2) 9.25 per hour
9.65 Per hour
- 30. Stenographer 16.80 per hour
- 31. Town Clerk - Deputy II 12.30 per hour
- 32. Typist 12.55 per hour

33. Payroll Schedule:

- *General, Highway, Water, Sewer, Drainage and Summer Recreation are paid bi-weekly.*
- *Monthly positions are processed with the last bi-weekly pay of the month.*

34. Terms specified for one year will expire 12/31/2016

Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved to approve the re-organizational appointments, meeting schedules, salary schedules and various authorizations numbered 1-34.

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

SUPERVISOR/TOWN CLERK/ APPOINTMENTS

Supervisor Ellis announced the following appointments:

- Joseph Ohol, Deputy Town Supervisor
- Brooke Morse, Town Historian and Gail Reinbird, Deputy Town Historian
- Town Board Liaison Appointments:
-Councilman Matthew Foe, Planning Board
-Councilman Jeffrey S. Hurtgam, Youth Programs & Town Park
-Councilman Randy Roberts, Zoning Board of Appeals
-Councilman Joseph Ohol, Highway, Water and Sewer Departments

On behalf of the Tax Collector Debbie Littere, Janelle Kroening has been appointed as the Deputy Tax Collector for 2016.

Town Clerk, Tamara J. Cooper, announced the following appointments:

- Paula N. Jones, Deputy Clerk I
- Karen Hodge, Deputy Clerk II

Highway Superintendent, Jon MacSwan, announced the following Highway appointment:

- Steven Kroening, Deputy Highway Superintendent

ANNUAL FINANCIAL REPORT SUBMITTAL

Supervisor Ellis indicated Town Board authorization is required to permit the submittal to the Town Clerk of the Annual Report which is provided to the State Comptroller by March 31st.

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to authorize the Town Supervisor to submit to the Town Clerk a copy of the annual financial report for 2015 within the time frame, including any extensions allowed by the State Comptroller, as set forth in the Town Law and the General Municipal Law.

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

OFFICIAL UNDERTAKING

Supervisor Ellis indicated that the Official Undertaking is required by Town Law and Public Officers Law for elected officials to execute an official undertaking especially those who handle various sums of money and this recognizes that they are authorized to handle monies and also ties in with insurance coverage.

OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, Wright H. Ellis, of the Town of Cambria, County of Niagara, New York, has been elected to the Office of Supervisor of the Town of Cambria; and

WHEREAS, Amel S. Jowdy, Jr., of the Town of Cambria, County of Niagara, New York, has been elected to the Office of Town Justice of the Town of Cambria; and

WHEREAS, Jon T. MacSwan, of the Town of Cambria, County of Niagara, New York, has been elected to the Office of Superintendent of Highways of the Town of Cambria; and

NOW, THEREFORE, the respective officers above, do hereby undertake with the Town of Cambria that they will faithfully perform and discharge the duties of their office and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Town Justice is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into their hands as such Town Justice; and

This undertaking of the Superintendent of Highways is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into their hands as such Highway Superintendent; and

The Town does and shall maintain insurance coverage, presently with C.W. Baker Insurance, in the sum as determined for the Tax Collector, Supervisor and Town Clerk to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the Official Undertaking of municipal officers as set forth in the resolution.

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

PLANNED DEVELOPMENT RE-ZONING

Action Tabled until the Town takes title of the property.

COMSTOCK/SUBBERA/CAMBRIA ROADS WATERLINES-BIDDING SERVICES PROPOSAL

Jamie Johnson, Wendel explained the waterline project will connect waterlines that are dead ends right now; this is a big permitting process. They have received 4 of 6 approvals from agencies and it looks like the project will begin on schedule for the spring/summer construction season. Ms. Johnson is requesting authorization from the Town Board to proceed with the bidding proposal in the amount of \$9,000.00 lump sum. Councilman Ohol asked if the easements have been signed yet. Ms. Johnson replied they are working with the attorney on the easements, they have been drafted.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to authorize Wendel to proceed with the bidding services proposal for the Comstock/Subbera/Cambria Roads waterline connections lump sum of \$9,000.00.

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

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report December: Total Receipts: \$13,256.72
- Town Clerk Year End Report for January ó December: \$503,904.55
- Building Inspector Report November: Total fees collected: \$ 2,475.00
Total estimated value of construction: \$604,416.00
- Mount View Cemetery Report: Total Receipts for 2015 interments & plot purchases: \$8,200.00
- Request from the Cambria Fire Company to add the following names to the active membership:
Maxwell Morrell-5010 Shawnee Road, Sanborn- pending physical
Kimberly Rotoli-3089 Lower Mountain Road, Sanborn-pending physical
- Request from the Cambria Fire Company to remove the following name from the active membership:
Timothy Weidel ó 4804 Sebastian Drive, Lockport

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the addition of Maxwell Morrell-5010 Shawnee Road, Sanborn and Kimberly Rotoli-3089 Lower Mountain Road, Sanborn -pending receipt of physical paperwork to the roster of the Cambria Volunteer Fire Company and the removal of Timothy Weidel-4804 Sebastian Drive, Lockport from the active roster.

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

Supervisor Ellis indicated the fire companies have submitted their active rosters for 2016 and they need to be approved and added for workers compensation insurance.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the rosters of the Cambria Volunteer Fire Company and Pekin Fire Company Inc.

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

HIGHWAY SUPERINTENDENT REPORTS

Mr. MacSwan reported he will be meeting with the engineers next week regarding the railroad overpass on Baer Road, it's in bad shape and very dangerous. This year he would like to pave Baer Road from Upper Mountain Road to Raymond Road and split Raymond Road with the Town of Wheatfield.

Mr. MacSwan requested the Town Board grant sole source provider status to Ridge Overhead Door Inc., of North Tonawanda and approve the proposal to install (3) new doors and openers in the Municipal Building. This will complete the replacement of all the doors for the building. Supervisor Ellis indicated this was included in the 2016 budget under contractual.

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to approve the procurement for (3) new overhead doors and openers installed by Ridge Overhead Door Inc., of North Tonawanda in the amount of \$18,993.00 and further designate them as sole source provider.

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

WATER/SEWER DEPARTMENTS

Mr. MacSwan reported a fire hydrant on Upper Mountain Road was hit recently; it doesn't appear to be damaged. They are rebuilding meters for the summer time.

Mr. MacSwan indicated that the Town Board would like to see a replacement policy on the Highway equipment/vehicles and he states he will have it prepared for the February meeting.

Supervisor Ellis inquired about the new tandem truck Mr. MacSwan would like to purchase for the Highway Department. Mr. MacSwan reported the Onondaga bid and specs have been sent to the board members for review, the cab/chassis will be purchased from Kenworth for \$135,940.00. The dump box and plow equipment will be provided by Valley Fab and Equipment for \$90,898.69, total purchase price is \$226,838.69.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the purchase of the cab/chassis will be purchased from Kenworth for \$135,940.00. The dump box and plow equipment will be provided by Valley Fab and Equipment for \$90,898.69, total purchase price is \$226,838.69.

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

Supervisor Ellis explained money has been set aside for this, however they will have to borrow \$80,000.00 to be paid back over 5 years. Mr. MacSwan indicated they will either trade in or auction off the old truck.

TOWN POLICY AND PROCEDURES REVIEW COMMITTEE

Councilman Foe reported a few items were found that need to be touched up; hopefully within 6 weeks it will be back on track.

ATTORNEY REPORTS

Mr. Roberson reported regarding lawsuit with Starpoint Central School District, they have been served with a 08 signed order, their appeal time has started.

CONCERNS OF CITIZENS

Supervisor Ellis recognized a student from Starpoint in the audience for Government class.

GAR ASSOCIATES, LLC-PROFESSIONAL SERVICE AGREEMENT

Supervisor Ellis explained the last revaluation occurred in 2009. This reassessment will help to equalize things here in the Town, some properties will go up and some will go down. This will insure that when the reassessment is over that everybody is paying their fair share. Homes have been selling for more than the assessed values, which is good for the homeowner. Gar Associates will be assisting with determining the value of some unique properties within Cambria such as NCCC, BOCES, the new Tops store and Professional Park. There are several new homes in the Town that are in the million dollar range and they will assist with those as well.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the perpetual service agreement with Gar Associates, LLC and authorize the Supervisor to sign the agreement on behalf of the Town, total price over a two-year period will be \$100,000.00 for the base price and no more than \$5,000.00 for the unique and highly complex parcels listed in a separate exhibit here pertaining to the re-assessment project in the Town of Cambria dated January 2016.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

2016 SANITARY SEWER REPAIRS PROPOSAL

Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe it was resolved to approve the engineering proposal for the sanitary sewer repairs fee of \$7,500.00 lump sum.

Supervisor Ellis indicated the Town will get a reimbursement from the Niagara County Sewer District No. 1 for up to \$20,000.00 to help with the cost.

ADJOURNMENT

The meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Roberts.
Time: 7:40 pm

Respectfully submitted,

Tamara J. Cooper
Town Clerk