

**TOWN OF CAMBRIA TOWN BOARD**

**March 8, 2018**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 8<sup>th</sup> day of March 2018 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  
5 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**

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the Minutes of the Town Board meeting of February 8, 2018.**

**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             | Claim  | 2      | \$ 214.68     |
| General Fund         | Claims | 83-117 | \$ 39,908.34  |
| Highway Fund         | Claims | 21-38  | \$ 103,463.03 |
| Refuse Fund          | Claim  | 2-4    | \$ 32,658.76  |
| Sewer Operating Fund | Claims | 6-8    | \$ 503.66     |
| Water Operating Fund | Claims | 25-35  | \$ 4,584.20   |

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved that the abstract of audited vouchers dated March 8, 2018, be approved as read by the Town Clerk.**

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

**-Motion Carried-**

**PEDDLER, VENDOR, SOLICITOR AND MOBILE FOOD VEHICLE LOCAL LAW**

Supervisor Ellis indicated there is a draft local law before the Town Board with regard to Peddlers, Vendors, Solicitor and Mobile Food Vehicles. This proposed law is to regulate Peddlers, Vendors, and Solicitors throughout the Town and focusing primarily on mobile food vehicles and their activity in the Town Park. Supervisor Ellis called for a Public Hearing for April 12, 2018, at 7:00 pm.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to schedule a Public Hearing for April 12, 2018, at 7:00 pm on the proposed Peddler, Vendor, Solicitor and Mobile Food Vehicle Local Law.**

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

**-Motion Carried-**

**PROCUREMENT POLICY  
WATER**

Tilt-Deck Trailer

Three proposals were received for a hydraulic tilt-deck trailer to transport the compact excavator. The second lowest bid was accepted as the trailer they are offering has a greater weight capacity than the low bid. The proposal was submitted by Niagara Truck Equipment-East Amherst, 14051 in the amount of \$7,645.00.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to accept the proposal from Niagara Truck Equipment-East Amherst, 14051 in the amount of \$7,645.00, for a hydraulic tilt-deck trailer to transport the compact excavator.**

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

**-Motion Carried-**

## TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report February: Total Receipts: \$38,719.94
- Building Inspector Report February: Total fees collected: \$ 2,791.85  
Total estimated value of construction: \$360,930.00
- In receipt of a request from the Cambria Vol. Fire Company to reinstate Al Wagner, 4297 Saunders Stmt. Rd., Sanborn, to the active roster. No physical paperwork has been received.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to reinstate Al Wagner, 4297 Saunders Stmt. Rd., Sanborn, to Cambria Vol. Fire Company active roster; pending receipt of physical paperwork.**

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

### 2018 Pekin Fire Company Recreation Agreement

Agreement dated April 1, 2018 to September 30, 2018 in the amount of \$1,600.00 for use of baseball diamonds, etc.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the 2018 Pekin Fire Co. Recreation Agreement with the Town of Cambria for use of baseball diamonds in the amount of \$1,600.00. Contract dates: April 1, 2018 to September 30, 2018.**

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

## HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Requesting the Town Board advertise for a Laborer DL

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to authorize the Town Clerk to advertise for a Laborer DL position for the water department.**

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

- Announced the retirement of Marc Moshier as of May 30<sup>th</sup>. He has been a great employee, very easy to work with and a good truck driver. He will be greatly missed.
- Have close to 2,000 tons of salt in the salt barn. Limit at the state bid price is 2,700 tons.

Proposal from Fox Fence, Inc. Lockport Rd., Niagara Falls for the conversion of swing gates to 20' sliding gate with operator for the east entrance to the Municipal Building.

Councilman Foe reported that the east gate was initially installed for a truck entrance. He would like to see that east entrance used more and have vehicles refrain from using the other gate. There is a safety aspect to the trucks using that entrance during the summer when the recreation program is in session.

**Therefore Be it Resolved that the Town of Cambria Town Board hereby determine and declare that Fox Fence, Inc. 2637 Lockport Road, Niagara Falls, NY 14305, be a sole provider in regard to Town fencing, gates, purchases and or improvements.**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to determine and declare that Fox Fence, Inc. 2637 Lockport Road, Niagara Falls, NY 14305, be a sole provider in regard to Town fencing, gates, purchases and or improvements.**

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  
JEFFREY S. HURTGAM voting AYE  
JOSEPH OHOL voting AYE  
RANDY ROBERTS 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 accept the proposal from Fox Fence, Inc. dated August 28, 2017, for labor, equipment and materials to convert the east swing gate into new 20' opening sliding gate with operator at a cost not to exceed the sum of \$9,500.00.**

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

## WATER/SEWER DEPARTMENTS

No reports.

## ATTORNEY REPORTS

No reports.

## CONCERNS OF CITIZENS

### David Godfrey, Legislator –

Broadband Update:

Governor Cuomo handed out a total of 57 million dollars in the rounds for the broadband initiative in order to bring cable/high speed internet to all homes in rural areas. The only vendor in Niagara County to receive funding directly from the Governor is HughsNet, a satellite company. \$5,400.00 was allocated to the Town of Cambria for 24 homes. This is \$225.00 per home, and does not include cable. The FCC requires service on a road with 20 homes per mile. Charter Communications stated they would do service with 15 homes per mile. Out in rural areas there are not 15 homes per mile, they are scattered and from a business perspective it is not cost beneficial.

There will still be meetings and hearing by the FCC to find out where are the Federal dollars to fill the void in rural areas and to get high speed, affordable, reliable internet, as the Governor promised.

## CORRECTIVE ACTION PLAN (CAP); NYS COMPTROLLER AUDIT REPORT

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the Town of Cambria Corrective Action Plan dated March 8, 2018 to the NYS Comptroller Audit Report Capital Projects Financing 2017M-161, and further authorize the Supervisor to sign the document and submit the same.**

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

**-Motion Carried-**

## SERVICE AWARD PROGRAM

Supervisor Ellis reported the census for Pekin Fire Company has 15 eligible members in addition to 1 member eligible under the post entitlement provision and Cambria Volunteer Fire Company has 21 eligible members in addition to 9 eligible under the post entitlement provision for a total of 46 members eligible for the fireman's service award program for 2017.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to approve the 2017 census for the Pekin Fire Company with 15 eligible members in addition to 1 member eligible under the post entitlement provision and Cambria Volunteer Fire Company has 21 eligible members in addition to 9 eligible under the post entitlement provision for a total of 46 members eligible for the Fireman's Service Award Program for 2017.**

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

**-Motion Carried-**

## ADDITIONAL MATTERS MORATORIUM

Supervisor Ellis indicated that the Town Board is taking an action that they do not like to take. However, they feel this is the only way to get organized in terms of the Zoning Ordinance. This will be addressing some issues that have come up with a couple of wineries and any potential new wineries in the Town.

The Town Board would like to declare a Moratorium on new wineries, breweries, distilleries, and meaderies in the Town of Cambria for a period of one year. During this year the Town Board will review applicable state guidance and instructions and also look at the Zoning Ordinance and develop some corrective action. At the present time it would not impact anyone who is currently operating in the Town.

**Whereas, the NYS Liquor Authority is issuing Farm Winery License to applicants whose proposed operating sites happen to be in established neighborhood, such sites being inappropriate for the location of such an operation, such an operation will unreasonably disrupt and alter the essential character and environment of the neighborhood to the detriment of the other residents; and**

**Whereas, but for the issuance of the Farm Winery licenses to such applicants, the location of such an operation in an established neighborhood would be prohibited by the provisions of the Town of Cambria Zoning Ordinance; and**

**Whereas, the Town Board desires the opportunity to investigate and study this problem and make such amendments to the Town Zoning Ordinance as may be deemed appropriate to protect established neighborhoods within the Town from being disrupted by the inappropriate siting of such operations;**

**Now Therefore be it resolved, that the Town Board of the Town of Cambria hereby adopts a Moratorium on the establishment and opening of wineries, micro-breweries, distilleries and meaderies, within the Town of Cambria for a one year duration from the date of adoption of this Resolution to give the Town Board the opportunity to investigate and study the situation and develop amendments to the Zoning Ordinance to address the problems and issues being created by the issuance of Farm Winery Licenses.**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the above resolution on the Wineries, Micro-Breweries, Distilleries and Meaderies as read by Robert Roberson, Town Attorney.**

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  
JEFFREY S. HURTGAM voting AYE  
RANDY ROBERTS voting AYE**

**JOSEPH OHOL voting NO**

The Resolution was thereupon declared duly adopted.

#### **ADJOURNMENT**

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

Respectfully submitted,

Tamara J. Cooper  
Town Clerk