

TOWN OF CAMBRIA TOWN BOARD

May 12, 2016

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 12<sup>th</sup> day of May 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  
Lauren Glose, Wendel  
David Godfrey, Legislator  
14 interested individuals

Following salute to the flag, Supervisor Ellis opened the public hearing for the Cambria Water District Comstock Road, Subbera Road and Cambria Road Waterline Extensions.

The Clerk read the following Notice of Public Hearing:

**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 12<sup>th</sup> day of May, 2016 at 7:00 p.m. for the purpose of conducting a Public Hearing to consider amending a certain map, plan and estimate of cost heretofore considered and approved by the Cambria Town Board by increasing the estimated maximum cost from \$704,000.00 to \$815,000.00 at which time and place 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 gave a brief explanation as to the purpose of the public hearing. He explained that the Map, Plan and Report are developed by the Town Engineer to support a particular engineering project. It lays out parameters and cost. The original was created in August 2015. Since that time, some complications have been encountered with extending the waterlines on Cambria Road, Comstock Road and Subbera across CSX Railroads. Additional fees have been introduced by the railroad company for the review of their permits; fees for addressing the rock that was found at the sites; and by the Town Board for increasing the waterline from 8ö to 12ö on Subbera Road.

The public hearing was then opened for public comment.  
As there was no one present to be heard Supervisor Ellis closed the public hearing.

**PUBLIC INFORMATION MEETING  
MS4 DRAFT ANNUAL REPORT/STORMWATER MANAGEMENT PLAN**

Lauren Glose, Wendel, gave a brief presentation with regard to the Stormwater Management Program. The draft annual report covers six factors affecting Stormwater Management: public education and outreach, public participation and involvement; illicit detection/discharge; construction control measures; post-construction control measures and stormwater pollution prevention õgood housekeepingö. The report is available for review on the Town of Cambria website and in the Town Clerk's office.

As there were no questions or comments from the public, Supervisor Ellis closed the informational meeting and called the regular meeting to order. Board members took action upon the following matters:

**APPROVAL OF MINUTES**

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the Minutes of the Town Board meeting of work meeting April 14, 2016, regular meeting April 14, 2016, and special meeting April 22, 2016.**

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

**-Motion Carried-**

**PROCUREMENT POLICY**

**HIGHWAY FUND**

Supervisor Ellis indicated this procurement policy request from the Highway Superintendent was received too late to be put on the agenda and must be approved before the approval of the May vouchers. It is for a 48ö Vibratory Roller Rental from Anderson Equipment Company in the amount of \$1,495.00 per month for approximately two months for use on the road work on Baer Road.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Anderson Equipment Company in the amount of \$1,495.00 per month, for a 48” Vibratory Roller Rental.**

**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:

Cemetery	Claims	2-3	\$ 1,319.00
Drainage Fund	Claim	7	\$ 1,436.60
General Fund	Claims	161-204	\$ 39,780.44
Highway Fund	Claims	73-95	\$ 34,986.89
Recreation Fund	Claims	1-3	\$ 3,330.00
Refuse Fund	Claim	5	\$ 30,869.46
Sewer Construction Fund	Claims	3-4	\$ 2,674.80
Sewer Operating Fund	Claims	16-17	\$ 109.61
Town Park Construction Fund	Claim	3	\$ 24,145.00
Trust & Agency Fund	Claim	14	\$ 684.00
Water Construction Fund	Claims	6-8	\$ 2,114.74
Water Operating Fund	Claims	57-74	\$ 9,320.87

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved that the abstract of audited vouchers dated May 12, 2016, be approved as read by the Town Clerk.**

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

**-Motion Carried-**

#### **2015 FINANCIAL STATEMENT PRESENTION**

Supervisor Ellis indicated that the 2015 financial audit results for the Town have been received. He introduced John Schiavone, managing partner of Lumsden & McCormick, to summarize the findings.

Mr. Schiavone gave a brief explanation of their findings, indicating that the Town has been issued a clean report, continues to be in a strong financial position and has sound, financial operations. Work was also done on the Town Justice accounts mandated by New York State Law to make sure the collection of fines and bail money are done so in accordance with the law.

#### **STORMWATER MANAGEMENT PLAN FOR 2016; MS4 ANNUAL REPORT**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to approve the 2016 MS4 Draft Annual Stormwater Management Report and to authorize Supervisor Ellis to sign the document and forward it to the DEC.**

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

**-Motion Carried-**

Jamie Johnson, Wendel Engineers, reported on the following items:

#### **COMSTOCK/SUBBERA/CAMBRIA ROADS WATERLINES**

Wendel is requesting a resolution from the Town Board to amend the Map, Plan and Report from \$704,400.00 to \$815,000.00 for the Cambria, Subbera and Comstock Roads Waterline connections originally dated August 2015.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to amend the Map, Plan and Report from \$704,400 to \$815,000.00 for the Cambria, Subbera and Comstock Roads Waterline connections.**

The foregoing 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.

#### **BID AWARD**

Two bids were received and opened at the Town Hall, on April 12, 2016 for the work to be done on the Cambria, Subbera and Comstock Roads Waterline connection. The low bid was from Mar-Wal Construction Co., Inc. out of Depew, NY in the amount of \$645,183.00. A bid was also received from Fairway Contracting in the amount of

\$737,837.00. An interview was conducted by Wendel with Mar-Wal Construction where they went through line by line to be sure they understood the requirements of the project. Wendel feels comfortable with the bid and is recommending award of contract 16-1 to Mar-Wal Construction in the amount of \$645,183.00.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to award the bid for contract 16-1 for the Cambria, Subbera and Comstock Roads Waterline Connections to Mar-Wal Construction, 440 Gould Avenue, Depew, NY, in the amount of \$645,183.00.**

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

**-Motion Carried-**

#### **ENGINEERING SERVICES**

At the request of the Town Board, Wendel prepared a proposal for engineering services during construction. This will encompass administration of the contract as well as resident observation. Wendel will be conducting part-time as well as full-time inspections in a shared effort with Town forces. The full-time observations will be during the critical aspects of the project. Construction is to start late June early July and to last between 12-14 weeks.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve Wendel's proposal for engineering services during construction in the amount lump sum of \$14,500.00, resident observation time and expense in the amount of \$37,800.00 for a total not to exceed \$52,300.00.**

The foregoing 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.

#### **PUBLIC HEARING**

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to call a Public Hearing on Thursday, June 9, 2016, at 7:00 pm during the regular meeting of the Town Board to revise the Bond Resolution dated September 10, 2015, increasing the authorization from \$704,000.00 to \$815,000.00.**

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

**-Motion Carried-**

#### **SANITARY SEWER REPAIRS**

Two bids were received and opened at the Town Hall, on May 10, 2016, for the work to be done on the Cambria Sewer District Sanitary Sewer Repairs. The low bid was from Skanex Pipe Services out of Victor, NY in the amount of \$40,900.00. A bid was also received from Milherst Construction in the amount of \$42,500.00. An interview was conducted by Wendel with Skanex Pipe Services where they went through line by line to be sure they understood the requirements of the project. Wendel feels comfortable with the bid and is recommending award of contract 16-2 to Skanex Pipe Services in the amount of \$40,900.00.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to award the bid for contract 16-2 for the Cambria Sewer District Sanitary Sewer Repairs to Skanex Pipe Services out of Victor, NY in the amount of \$40,900.00.**

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

**-Motion Carried-**

#### **TOWN PARK COMFORT STATION**

Jamie was involved in a meeting with Dave Kaczmarowski, Wendel Architect, Sally Reed, Recreation Director, and the Recreation Committee to get their input of the floor plan, site plan and colors for the Town Park Comfort Station. Wendel is in the process of developing the final documentation for Bid ready documents. They are also waiting receipt of the septic system design from the Niagara County Department of Health, and for a Public Health Review and a Sanitation Review for potential future grill area. Wendel is asking for authorization for the Town Clerk to advertise for Bid. Books will be available on Tuesday, May 24, 2016, with a bid opening on June 14, 2016, at 10:00 am.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to authorize the Town Clerk to advertise for bids for the Town Park Comfort Station project. Specifications will be available on Tuesday, May 24, 2016, with sealed bids to be received in the Town Clerks Office with bid opening on June 14, 2016, at 10:00 am.**

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

**-Motion Carried-**

#### **NATIONAL GRID ELECTRICAL SERVICE**

The electrical service from National Grid is associated with bringing primary power service from Upper Mountain Road down to the proposed comfort station location. The long term plan for this power supply is not only for the building, but for potential future lighting for baseball fields and security cameras. The scope of National Grids work is to provide a new power pole, actual wire, pad and transformer. The Town work force will do the trenching and a subcontractor will lay the conduit and make the connection. Wendel has reviewed the proposal submitted from National Grid in the amount of \$33,526.28. They are comfortable with it and are asking for authorization for the Supervisor to sign the proposal.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to authorize the Supervisor to sign the proposal from National Grid to extend a single phase 400 amp 120/240v electric service for the Town Park, in the amount of \$33,526.28.**

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

#### **M.H. THILK ELECTRIC**

Supervisor Ellis indicated that M.H. Thilk Electric, 4171 Chestnut Road, Wilson, NY, has submitted a proposal to install the conduits, through which National Grid will run their wire, and also the required pullboxes, risers, grounding net, pull ropes and markers. Conduits will run from NG pole on Upper Mountain Road to an area near the proposed comfort station along the existing park roadway. The cost is \$12,329.00.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the proposal from M.H. Thilk Electric, 4171 Chestnut Road, Wilson, to provide electrical service to the Town Park in the amount of \$12,329.00.**

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

#### **NATIONAL FUEL**

Supervisor Ellis explained that the Town is working with National Fuel to bring natural gas farther along Upper Mountain Road from the west to the Town Hall Complex. There was a right of way agreement between the Town and National Fuel that needed to be signed by him on April 28, 2016, as it was a timed matter. Supervisor Ellis is asking the Town Board to ratify that agreement.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to ratify the Right of Way Agreement that was signed by Supervisor Ellis on April 28, 2016, with National Fuel Gas Distribution Corporation to extend Natural Gas service to the Town Hall Complex.**

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

#### **TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report April: Total Receipts: \$78,835.61
- Building Inspector Report April: Total fees collected: \$ 5,227.00  
Total estimated value of construction: \$970,800.00

#### **HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent, Jon MacSwan, reported as follows:

- Started Baer Road work-stabilizing shoulders, waiting for the shoulders to settle a bit before profiled; new drainage; after school is closed for the summer the road will be completed from Upper Mountain Road to Raymond Road.
- Milled the underpass on Baer Road, took out about 10ö of old black top.
- CHIPS funding was increased to \$86,000.00 for 2017.

#### **WATER/SEWER DEPARTMENTS**

No reports.

#### **TOWN POLICY AND PROCEDURES REVIEW COMMITTEE**

Councilman Foe reported he had a conversation with the Attorney responsible for preparing the document of proposed Zoning changes and he assured Councilman Foe that he is working on it and it will be completed fairly soon.

#### **ATTORNEY REPORTS**

The Town Attorney, Robert Roberson, reported as follows:

The Town is in receipt of a letter dated April 15, 2016, from the Cambria Volunteer Fire Co. on behalf of Vincent Salerno, 4898 Upper Mountain Road, Lockport, NY 14094. They are requesting acceptance for our member to active status. There was a copy of the application and also a statement that a copy of the physical should be received by the Town.

Mr. Roberson reviewed the letter, application and request. He recommends that the Town Board deny the request.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to deny the request from the Cambria Volunteer Fire Co. dated April 15, 2016, to accept Vincent Salerno, 4898 Upper Mountain Road, Lockport for active status.**

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

**No: Ohol**

Supervisor Ellis asked for the Clerk to put the vote to roll call which resulted as follows:

*WRIGHT H. ELLIS voting AYE*  
*MATTHEW P. FOE voting AYE*  
*JEFFREY S. HURTGAM voting AYE*  
*JOSEPH OHOL voting NO*  
*RANDY ROBERTS voting AYE*

The Resolution was thereupon declared duly adopted.

## CONCERNS OF CITIZENS

Supervisor Ellis welcomed some students who were in attendance from Starpoint High School.

David Godfrey, Legislator updated the Town Board on the following items:

- The opiate epidemic is very concerning in our local area. As a result, last month the County Legislature unanimously passed a resolution to form the Opioid Addiction/Overdose Strategy Implementation Standing Committee (Oasis). The members are from different facets in the community dealing with this issue. The first meeting will be held on May 26, 2016.
- Broadband: Niagara / Orleans did not apply for the first round of funding for this because of the current merger with Time Warner Cable and Charter Communication. This is because Time Warner has the franchise of both counties and there were no houses counted without service. The merger is yet to be finalized. Once finalized, Time Warner has 45 days in which to report to the FCC and to the Broadband Office in Albany the addresses of those they will and will not service. The addresses not serviced will then be released and funding can be bid on for the second round of funding in August or September.

## SOCCER RENTAL

Supervisor Ellis indicated that the Town has executed a Soccer Rental Agreement, for partial use of the two soccer fields at the Town Park, with the Niagara Wheatfield Amateur Athletics and Alumni Association.

## EAGLE SCOUT PROCLAMATIONS

### *Zachary Nadeau* **PROCLAMATION**

*Whereas, the Boy Scouts of America was founded on February 8, 1910, in the United States of America; and*

*Whereas, in September 2003, Zachary Nadeau joined Cambria Cub Scout Pack 8; and*

*Whereas, Zachary earned his Arrow of Light in 2008, and crossed over to Cambria Boy Scout Troop 8; and*

*Whereas, Zachary has earned 32 merit badges representing a wide range of interests, has earned other special awards including religious awards; was inducted into the Order of the Arrow in 2011, and served his Troop as Assistant Senior Patrol Leader, Chaplains Aide, Assistant Patrol Leader, Patrol Leader and Instructor; and*

*Whereas, Zachary has exemplified leadership qualities, organizational skills and strength of character while completing his Eagle Scout Project for Cambria Volunteer Fire Company by building a display case and plaque for a retired Jaws of Life apparatus and providing landscaping around the grounds; and*

*Whereas, as a member of Troop 8, Zachary, through his hard work and personal commitment, attained the rank of Eagle Scout on December 10, 2015, the highest and most prestigious rank offered by the Boy Scout Program; and*

*Whereas, Scouts believe it is their duty to love their country, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies; and*

*Whereas, character, participation and leadership are the basis of good citizenship; therefore, be it*

*Resolved, the Town of Cambria is proud of your achievement, advancement to the rank of Eagle Scout, and shares with you in one of the greatest occasions, not merely of your career as a Scout, but of your whole life, and honors you this day by resolution of the Town Board on May 12, 2016.*

**TOWN OF CAMBRIA TOWN BOARD**

*Max Morell*  
**PROCLAMATION**

*Whereas, the Boy Scouts of America was founded on February 8, 1910, in the United States of America; and*

*Whereas, in September 2004, Max Morrell joined Cambria Cub Scout Pack 8; and*

*Whereas, Max earned his Arrow of Light in 2009, and crossed over to Cambria Boy Scout Troop 8; and*

*Whereas, Max has earned 34 merit badges representing a wide range of interests, has earned other special awards including BSA Shooting Competition and First Place Team Rifle, Second Place Team Shotgun; was inducted into the Order of the Arrow in 2012, and served his Troop as Quarter Master, Patrol Leader, Assistant Patrol Leader, Guide; and*

*Whereas, Max has exemplified leadership qualities, organizational skills and strength of character while completing his Eagle Scout Project for Cambria Volunteer Fire Company by building 12 heavy duty picnic tables; and*

*Whereas, as a member of Troop 8, Max, through his hard work and personal commitment, attained the rank of Eagle Scout on April 16, 2016, the highest and most prestigious rank offered by the Boy Scout Program; and*

*Whereas, Scouts believe it is their duty to love their country, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies; and*

*Whereas, character, participation and leadership are the basis of good citizenship; therefore, be it*

*Resolved, the Town of Cambria is proud of your achievement, advancement to the rank of Eagle Scout, and shares with you in one of the greatest occasions, not merely of your career as a Scout, but of your whole life, and honors you this day by resolution of the Town Board on May 12, 2016.*

**TOWN OF CAMBRIA TOWN BOARD**

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to approve the Eagle Scout Proclamations honoring Zachary Nadeau and Max Morrell for attaining the rank of Eagle Scout.**

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

**-Motion Carried-**

**WATER/SEWER DEPARTMENT CLERK POSITION**

Supervisor Ellis indicated that a position was established in the Water Department for a clerk. He is asking for the Town Board to appoint Margaret A. Mayer, 3996 Lower Mountain Road, Lockport, to this position.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to appoint Margaret A. Mayer, 3996 Lower Mountain Road, Lockport, to the Water/Sewer Department Clerk Position.**

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

**-Motion Carried-**

**TOWN PARK TREE DONATION**

Supervisor Ellis reported that Martin LaMarca, President of Alcliff Landscaping & Nursery has donated several trees for the Town Park that total value of \$920.00. (4-Red Maple, 1-Sugar Maple, 2-Catalapa, and 2-White Spruce) A letter was written on behalf of the Town Board acknowledging his generous donation and the Supervisor is requesting approval of the letter and to authorize the Town Clerk to send it.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve a letter that was written on behalf of the Town Board that acknowledges Martin LaMarca, President of Alcliff Landscaping & Nursery, and his generous donation of trees for the Town Park-4-Red Maple, 1-Sugar Maple, 2-Catalapa, and 2-White Spruce that total value of \$920.00.**

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Town of Cambria Town Board  
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**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Ohol.  
Time: 7:48 pm

Respectfully submitted,

Tamara J. Cooper  
Town Clerk