

TOWN OF CAMBRIA TOWN BOARD

November 9, 2017

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 9<sup>th</sup> day of November 2017 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
Jamie Johnson, Wendel
30 interested individuals

Following salute to the flag, Supervisor Ellis opened the public hearing on the 2018 Preliminary Budget.

PUBLIC HEARING – 2018 PRELIMINARY BUDGET

The following public hearing notice was read by the Town Clerk:

Notice of Public Hearing

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will conduct public hearings on the matters referred to herein at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY on the 9<sup>th</sup> day of November 2017 at 7:00 PM. Said public hearings shall be as follows:

- 1. Any objections to the 2017 Assessment Roll for the following Districts:

Amount to be Raised by Taxes:

Table with 2 columns: District Name and Amount. Rows include Cambria Water District, Cambria Fire District, Cambria Refuse & Garbage District, Cambria Sewer District No. 1, and Cambria Drainage District.

All persons interested shall be heard at the public hearing to be held by the Town Board as aforesaid relative to assessments and amounts to be raised in said districts.

- 2. Fire Contracts: The Town Board of the Town of Cambria will consider allocations as follows and authorization to enter into contracts with fire companies protecting areas of said Town for fire protection. The fire companies and amounts to be allocated for the year 2018 are as follows:

Table with 2 columns: Fire Company Name and Amount. Rows include Cambria Volunteer Fire Company, Cambria Volunteer Fire Company Ambulance Service, Pekin Fire Company, Pekin EMS Contract, and Sanborn Fire Company.

With an additional allocation of \$40,000.00 for the Service Award Program.

- 3. The Town Board will conduct a public hearing on the 2018 Preliminary Budget. A copy of the 2018 Preliminary budget is available at the office of the Town Clerk, 4160 Upper Mountain Road, Town of Cambria, NY, where it may be inspected by any interested person during regular office hours. The proposed salaries of the elected officials are hereby specified:

Table with 3 columns: Position, Salary, and Additional Info. Rows include Supervisor, Councilman, Justice, Town Clerk, Tax Collector, and Highway Superintendent.

Further Notice is hereby given that pursuant to Real Property Tax Law Section 495, the Exemption Report that shows total assessed values on the final assessment roll that was used in the budgetary process that is exempt from taxation is on file with the 2018 Preliminary Budget.

All parties in interest and citizens will be heard at the public hearings to be held as aforesaid.

Supervisor Ellis presented an overview of the 2018 budget. The overall budget for 2018 is \$5,245,664.00 which is an overall increase of 2% over the 2017 budget. The amount to be raised by taxed is \$2,524,519.00. This is a little over \$4,000.00 below the tax cap that is set by the state. The Town has met those parameters and stayed below it. The Town Tax Rates are as follows: Highway decreased 16%; Drainage decreased 18%; Fire Protection decreased 17.9%; Refuse increased by \$2.50 per unit or \$161.50 per household- this is because of an increase in cost of electronic recycling. Sewer decreased by 6-12% depending on what area of Town and Water decreased by 15.4%.

Supervisor Ellis opened the hearing for public comment.

As there were no comments from the public, the public hearing was closed at 7:10 pm.

Supervisor Ellis opened the public hearing on the Amendment to the Zoning Ordinance

## **PUBLIC HEARING – AMENDMENT TO THE ZONING ORDINANCE**

The Clerk read the following public hearing notice:

### **Proposed Amendment to Town of Cambria 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 9<sup>th</sup> day of November, 2017 at 7:00 p.m. to hear and consider amending Town of Cambria Zoning Ordinance sections 302(6), 303(2) and 303(5) pertaining to square footage of accessory buildings and set back requirements as set forth below:

1. Amending Section 302 (6) to read:
  6. Height for each foot that a residential building that exceeds 35 feet the total width of the two side yards shall be increased by 2 feet. For each foot that non-residential building accessory thereto exceeds 35 feet, this total width of the two side yards shall be increased by 4 feet.
2. Amending Section 303(2) to read:
  2. No accessory building as defined herein shall be placed closer to the side or rear property lines than ten (10) feet, shall not be closer than twenty-five (25) feet to the principle dwelling, shall not be placed closer to the street line than the rear main wall of the principle dwelling, and in the case of a lot abutting more than one street, shall not be placed closer to either street than the area of the foundation farthest from each street.

EXCEPTIONS:

    - a. 3 - 5 acres - No accessory building as defined herein shall be placed closer to the side or rear property lines than twenty (20) feet and every foot above fifteen (15) feet in height an additional two (2) feet shall be required of lot line setback, shall not be closer than twenty-five (25) feet to the principle dwelling, shall not be placed closer to the street line than the rear main wall of the principle dwelling, and in the case of a lot abutting more than one street, shall not be placed closer to either street than the area of the foundation farthest from each street.
    - b. 5 acres - No accessory building as defined herein shall be placed closer to the side or rear property lines than one hundred (100) feet, shall not be closer than twenty-five (25) feet to the principle dwelling, shall not be placed closer to the street line than the rear main wall of the principle dwelling, and in the case of a lot abutting more than one street, shall not be placed closer to either street than the area of the foundation farthest from each street.
3. Amending Section 303(5) to read:
  5. Land requirements for Accessory Buildings:
    - a. 0-1 acre - Allowed two (2) accessory buildings - each building not to exceed one thousand (1,000) square feet; total not to exceed two thousand (2,000) square feet.
    - b. 1-3 acres - Allowed two (2) accessory buildings - one (1) building can be up to one thousand five hundred (1,500) square feet; total not to exceed two thousand five hundred (2,500) square feet.
    - c. 3-5 acres - Allowed two (2) accessory building - one (1) building can be up to two thousand (2,000) square feet; total not to exceed three thousand (3,000) square feet.
    - d. 5 acres or more - See Article III Section 303, subsection 4.

These Amendments shall be effective upon adoption by the Town Board.

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

TOWN OF CAMBRIA TOWN BOARD

Supervisor Ellis indicated that one problem faced in the Town is recognizing that as the Town grows in population, it is transitioning from a purely agricultural community with very large property holdings to a community where it has had a great influx of people over the years. The issue comes primarily from subdivisions and roadside developments where houses are closer together. The Zoning Board submitted some recommendations to the Town Board addressing some of the issues that have come before the Zoning Board of Appeals.

Supervisor Ellis opened the hearing for public comment.

**Joseph Fournier- Lower Mountain Road**



**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to adopt the 2018 Preliminary Budget with total appropriations of \$5,245,664.00.**

**(A copy of the 2018 Adopted Budget is included and made a part of these Minutes).**

The question of the adoption of the forgoing Resolutions were 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 M. ROBERTS voting AYE**

The Resolutions were thereupon declared duly adopted.

#### **ZONING ORDINANCE AMENDMENTS**

*Tabled until receipt of recommendations from the Niagara County Planning Board.*

#### **TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report November: Total Receipts: \$33,194.47
- Building Inspector Report November: Total fees collected: \$ 1,942.00  
Total estimated value of construction: \$147,707.00
- The Clerk is in receipt of request from Cambria Fire Company to remove Kenna Liddell, 2691 Vanhorn Ave., Newfane, from the active roster.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Foe, it was resolved to approve the request from Cambria Fire Company to remove Kenna Liddell, 2691 Vanhorn Ave., Newfane from the active roster.**

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

**-Motion Carried-**

#### **HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent, Jon MacSwan, reported as follows:

- Brush pick-up finished for this year
- All trucks are ready for the winter
- Will continue to ditch during the winter
- Paving for next year: Townline Rd. from the bank to railroad tracks; Randolph Rd.; Heffren Dr.; Shenk Rd. and Joanne Dr. subdivisions.

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

The Highway Superintendent, Jon MacSwan, reported as follows:

- Replaced one hydrant on Rt. 31- hit by a car
- Hydrants are winterized
- 1 new service on Baer Rd.

Supervisor Ellis is in receipt of a letter of resignation with purposes of retirement from Randy Shoop, Water Maintenance Foreman. *(In accordance with conditions stated in the agreement between Town of Cambria and Teamsters Local 264).* His last day will be December 30, 2017.

Randy has been a long term employee of the Town. He first came to work in 1980 as a part-time laborer and in 1983 became full-time as a water maintenance employee. The Town will miss his expertise and his experience. With some assistance from the Town Engineer, a program has been developed where all the maps and information Randy has acquired over the years, has been recorded into the program so it can be retrieved when needed. The Town will miss him greatly.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to accept with regret the resignation of Randy Shoop, Water Maintenance Foreman in accordance with conditions stated in the agreement between Town of Cambria and Teamsters Local 264. His last day will be December 30, 2017.**

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

**-Motion Carried-**

### **VETERANS DAY**

The Town's Annual Veterans Day Ceremony will be held on 11/11/2017 at 11:00 am at the Town Hall. Refreshments will be served in the Community room after the ceremony.

### **ATTORNEY REPORTS**

Mr. Roberson reported that the case regarding the Town's claim for damages in the Town Park will be heard in Lockport Town Court on November 28, 2017.

### **CONCERNS OF CITIZENS**

Supervisor Ellis welcomed several Starpoint Central School District who were in attendance to satisfy a government class requirement.

### **BOND RESOLUTION- TRUCK BAN**

#### **TOWN OF CAMBRIA**

#### **BOND RESOLUTION DATED NOVEMBER 9, 2017**

**A RESOLUTION AUTHORIZING THE PURCHASE OF A NEW NEW 2017 KENWORTH T800 TRUCK CAB AND CHASSIS WITH A 16 FOOT DUMP BODY FOR THE TOWN OF CAMBRIA HIGHWAY DEPARTMENT AT THE ESTIMATED MAXIMUM COST OF \$226,838.16 AND AUTHORIZING THE ISSUANCE OF \$ 80,000.00 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.**

**WHEREAS**, it is desired to authorize the purchase of a new 2017 Kenworth T800 Truck Cab and Chassis with a 16 foot dump body for the Town of Cambria Highway Department at the estimated maximum cost of \$226,838.16 and authorizing the issuance of \$80,000.00 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 Town of Cambria hereby authorized the purchase of highway equipment, at an estimated cost of \$226,838.16 and authorizing the issuance of \$80,000.00 serial bonds, 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 \$226,838.16 and the plan for the financing thereof is by the issuance of the serial bonds of said Town hereby authorized to be issued pursuant to the provisions of the Local Finance Law, together with payment from the Highway Fund budgetary appropriation. 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 15 years, pursuant to subdivision 28 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 not exceed 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. There shall be annually apportioned and assessed upon the several lots and parcels of land within said Town of Cambria which the Town shall determine and specify to be especially benefitted by the improvement, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, 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 not 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.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to authorize the purchase of a new 2017 Kenworth T800 Truck Cab and Chassis with a 16 foot dump body for the Town of Cambria Highway Department at the estimated maximum cost of \$226,838.16 and authorizing the issuance of \$80,000.00 serial bonds of said Town to pay the cost thereof.**

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

*WRIGHT H. ELLIS, Supervisor voting AYE  
JOSEPH OHOL, Councilman voting AYE  
RANDY ROBERTS, Councilman voting AYE  
JEFFREY HURTGAM, Councilman voting AYE  
MATTHEW P. FOE, Councilman voting AYE*

The Resolution was thereupon declared duly adopted.

#### **DESIGNATION OF RESERVE FUNDS**

Supervisor Ellis indicated that at the recommendation of the Town Accountant the Town Board will be changing the designation or title of some of the Town Funds to identify them as -ReserveøFunds.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the change of the following funds: Water Construction Fund to Water Construction Reserve Fund; Sewer Construction Fund to Sewer Construction Reserve Fund; and Highway Equipment Capital Fund to Highway Equipment Reserve Fund.**

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

*WRIGHT H. ELLIS, Supervisor voting AYE  
JOSEPH OHOL, Councilman voting AYE  
RANDY ROBERTS, Councilman voting AYE  
JEFFREY HURTGAM, Councilman voting AYE  
MATTHEW P. FOE, Councilman voting AYE*

**The Resolution was thereupon declared duly adopted.**

#### **WATERLINE BAN RENEWAL**

Supervisor Ellis is requesting authorization from the Town Board to transfer \$179,300.00 from the Water Construction Reserve Fund to the Water Operating Fund to pay the principle and interest on the Waterline BAN that is going to be due on November 15, 2017.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to authorize the Supervisor to transfer \$179,300.00 from the Water Construction Reserve Fund to the Water Operating Fund to pay the principle and interest due on the Waterline BAN on November 15, 2017**

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

*WRIGHT H. ELLIS, Supervisor voting AYE  
JOSEPH OHOL, Councilman voting AYE  
RANDY ROBERTS, Councilman voting AYE  
JEFFREY HURTGAM, Councilman voting AYE  
MATTHEW P. FOE, Councilman voting AYE*

**The Resolution was thereupon declared duly adopted.**

#### **PROCUREMENT POLICY PURCHASE SEWER OPERATING**

Three proposals were received for the purchase of (10) float switch with 39 ft cable length for the pump station stock. The low proposal was submitted by Martech in the amount of \$105.00 each for a total amount of \$1050.00.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Martech Controls, Syracuse- in the amount of \$105.00 each for a total amount of \$1,050.00 for the purchase of (10) float switch with 39 ft cable length for the pump station stock**

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

**-Motion Carried-**

#### **BOARD OF ASSESSMENT REVIEW**

Supervisor Ellis asked for a motion to reappoint Suzanne Pude, 4031 Lower Mountain Road, Lockport to the Board of Assessment Review for a five year term expiring 9/30/2022.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to re-appoint Suzanne Pude, 4031 Lower Mountain Road, Lockport to the Board of Assessment Review for a five year term expiring 9/30/2022.**

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

**-Motion Carried-**

#### **NYS ASSOCIATION OF TOWNS ANNUAL CONFERENCE**

Supervisor Ellis reported that the NYS Association of Towns Conference will be held in NYC February 18-21, 2018, and all officers and officials are authorized to attend.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to authorize all Town Officers and Officials to attend the annual NYS Association of Town Conference in NYC from February 18-21, 2018.**

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

**-Motion Carried-**

#### **NYS RETIREMENT SYSTEM RESOLUTION**

Supervisor Ellis indicated that the Town is required by the Office of NYS Comptroller to establish standard workdays and reporting procedures with elected and appointed personnel who are part of the NYS Retirement System.

**BE IT RESOLVED**, that the Town of Cambria, hereby establishes standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities.

#### **2017**

##### **Elected Official**

*Town Clerk - Tamara J. Cooper*

##### **Appointed Official**

*Assessor – Debra Littere*

*Deputy Town Clerk I - Paula N. Jones*

The resolution in its entirety will be posted on the bulletin board outside the office of the Town Clerk for a period of 30 days.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve and adjust the NYS Retirement System Resolution of January 5, 2017, and the entire resolution will be posted on the bulletin board outside the office of the Town Clerk for a period of 30 days.**

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

**-Motion Carried-**

Councilman Foe took a moment to acknowledge his fellow Councilmen and Supervisor Ellis and extend his personal thanks for one of the best budget seasons the Town has been through. It was all handled professionally and thanks them all.

#### **ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Roberts and seconded by Councilman Foe.  
Time: 7:35pm

Respectfully submitted,

Tamara J. Cooper  
Town Clerk