

TOWN OF CAMBRIA TOWN BOARD

September 10, 2015

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 10th day of September 2015 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
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
Randy Roeseler, Wendel
Lauren Glose, Wendel
John Cooper, NIMAC
5 interested individuals

ABSENT:

Matthew P. Foe, Councilman

Following the pledge to the flag, Supervisor Ellis called the regular meeting to order.

Supervisor Ellis called for the Town Board to pass a Resolution adopting the Order Calling for a Public Hearing.

**ORDER CALLING PUBLIC HEARING TOWN OF CAMBRIA
WATER DISTRICT WATERLINE EXTENSION**

At a meeting of the Town of Cambria, Niagara County, New York, held at the Town Hall, 4160 Upper Mountain Rd, in said Town on the 10th day of September, 2015 at 7:00 p.m.

The meeting was called to order by Supervisor Ellis and upon roll call the following were:

PRESENT:	WRIGHT H. ELLIS	ABSENT:	MATTHEW P. FOE
	RANDY M. ROBERTS		
	JEFFREY S. HURTGAM		
	JOSEPH OHOL		

The following Resolution was offered by Councilman Roberts who moved its adoption, and seconded by Councilman Ohol, to wit:

WHEREAS, the Town Board of the Town of Cambria, Niagara County, New York, has had under consideration the installation of additional facilities for the Town of Cambria Water District of said Town; and

WHEREAS, said Town Board has duly caused a map, plan and estimate of cost for additional facilities to be prepared and submitted by Wendel-Duchscherer, Architects and Engineers, duly licensed by the State of New York; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, the "SEQR Act"), the Town Board constitutes a "State Agency"; and

WHEREAS, the action under consideration by the Town Board (the "Action") consists of the installation of approximately 1,800 linear feet of 8 inch PVC water line along Comstock Road; approximately 1,000 linear feet of 8 inch PVC water line along Suberra Road; approximately 1,400 linear feet of 8 inch PVC water line along Cambria Road (as shown on map and plan prepared by Wendel-Duchscherer, Architect and Engineers) in and for the Town of Cambria Water District of said Town at an estimated maximum cost of \$704,000.00 and the financing of same through the issuance of bonds; and

WHEREAS, to aid the Town Board in determining whether the Action may have a significant effect upon the environment, the Town has prepared and submitted a Short Environmental Assessment Form (the "Questionnaire") with respect to the Facility, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Questionnaire has been reviewed by the Town Board; and

WHEREAS, it is now desired to call a Public Hearing on said map and plan and estimate of cost pursuant to Section 202-b of the Town Law;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cambria, Niagara County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Cambria, Niagara County, New York, shall be held at the Town Hall, 4160 Upper Mountain Rd, Cambria, New York, on the 10th day of September, 2015 at 7:00 p.m. for the purpose of conducting a Public Hearing on the map, plan and estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a Notice of Public Hearing to be published in the Union Sun & Journal and posted in the manner provided by law, which notice shall be in substantially the following form, to wit:

TOWN OF CAMBRIA WATER DISTRICT
Notice of Public Hearing
Comstock Road, Suberra Road and Cambria Road
- Water Line Extensions

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 10th day of September, 2015 at 7:00 p.m. for the purpose of conducting a Public Hearing on a certain map and plan and estimate of cost relating to the proposed installation of approximately 1,800 linear feet of 8 inch PVC water line along Comstock Road; approximately 1,000 linear feet of 8 inch PVC water line along Suberra Road; approximately 1,400 linear feet of 8 inch PVC water line along Cambria Road (as shown on map and plan prepared by Wendel-Duchscherer, Architect and Engineers) in and for the Town of Cambria Water District of said Town at an estimated maximum cost of \$704,000.00 and environmental consideration in connection therewith under SEQRA, at which time and place said Town Board will hear all persons interested in the subject matter thereof concerning the same. A copy of said map and 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.

Section 3. This Resolution shall take effect immediately.

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 voting AYE
RANDY ROBERTS voting AYE
JEFFREY S. HURTGAM voting AYE
JOSEPH OHOL voting AYE
MATTHEW P. FOE -absent

The Resolution was thereupon declared duly adopted.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to recess the regular meeting for the purpose of holding the Public Hearing as ordered.

Ayes: Ellis, Hurtgam, Ohol, Roberts

-Motion Carried-

Supervisor Ellis opened the public hearing and the Town Clerk read the above Notice of Public Hearing.

Supervisor Ellis explained that the Town of Cambria has a railroad that runs through it and bisects: Cambria Rd., Subbera Rd., and Comstock Rd. Over the years the Town has extended water lines to new construction as people build new homes. The problem with this is that the extensions have created many dead ends. Water sits at the dead ends and it becomes a health and safety issue as the Water Department has to be sure to flush the water to prevent contaminates from forming. If additional loops are put into place the water service to the Town will improve. This project requires the water lines to run under the railroad which is costly and it is a long process to acquire the permits to move forward.

Supervisor Ellis opened the public hearing for comment. As no one was present to be heard on this matter, Supervisor Ellis closed the Public Hearing and called the regular meeting back to order after the recess.

The Board members took action upon the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Ohol, it was resolved to approve the Minutes of the Town Board meeting of August 13, 2015.

Ayes: Ellis, Hurtgam, Ohol, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment:

Drainage Fund	Claim	12 & 13	\$ 969.06
General Fund	Claims	384-429	\$ 42,751.31
Highway Fund	Claims	154-167	\$ 11,513.10
Recreation Fund	Claims	60-62	\$ 5,741.40
Refuse Fund	Claims	12	\$ 30,726.77
Sewer Operating Fund	Claims	20-24	\$ 18,700.00

Water Construction	Claim	3	\$ 17,650.00
Water Operating Fund	Claims	143-160	\$ 11,764.80

Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved that the abstract of audited vouchers dated September 10, 2015, be approved as read by the Town Clerk.

Ayes: Ellis, Hurtgam, Ohol, Roberts

-Motion Carried-

NIMAC- Niagara Military Affairs Council

Supervisor Ellis indicated that the Town of Cambria supports the Niagara Falls Air Reserve Station with an annual budgetary contribution. He then introduced John Cooper, NIMAC (*Niagara Military Affairs Council*) Chairman to the Board of Directors, to give a brief presentation on the status of the Air Base.

Mr. Cooper thanked the Town Board for their continued support and provided each member with a folder containing information about NIMAC. He indicated that the Air Base has 3,000 full and part time employees. The economic impact is about \$168,000,000.00 per year to our community.

NIMAC was established as a result of the 1995 Base Realignment and Closure (BRAC) process that allowed the review of the 914th Airlift Wing and in 2005 BRAC threatened 914th and the 107th Refueling Wing. In 2012 through the budget process the 107th was listed for closure. NIMAC worked hard to bring another mission (Remotely Piloted Aircraft) to NFARS so they could remain intact-with a few less personnel. NIMAC was very fortunate and successful keeping it open with the support of local cities, towns and villages. NIMAC serves as an advocate for the Base in Washington, the Pentagon, Capitol Hill and all levels of the US Air Force. Mr. Cooper indicated that communication between NIMAC and the Air Base is vital in order to stay updated on their needs. NIMAC also acts as a liaison with local communities, mainly Wheatfield and Niagara, concerning any development issues that may encroach upon the airport. NIMAC also assists with the Air Show.

Supervisor Ellis asked what some of the latest improvements are to the Air Base.

Mr. Cooper stated that since its inception, NIMAC has assisted in over \$1,000,000.00 of federal investment at the facility. Within the last few years they have opened a dining facility, a couple lodging facilities and a firing range. The newest and the project they are most proud of is the C130 full motion flight simulator. The building it is housed in is approximately \$6,000,000.00 and the simulator itself is \$15-20 million. This project was called to NIMAC attention several years ago and they were able to bring it to Niagara even though it was not the original intended location. This simulator will bring about 400 Air Crewman from the NE to the WNY area on a yearly basis to do C130 training. It should be operational within the year.

COMSTOCK/SUBBERA/CAMBRIA ROADS WATERLINE BONDING AUTHORIZATION

Supervisor Ellis reported that Wendel Engineers have completed the work needed for the Town Board to approve the SEQR Negative Declaration Resolution/act as Lead Agency and to authorize the Supervisor to sign the Environmental Assessment Form for the Comstock / Cambria / Subbera Road waterline project.

RESOLUTION- SEQR NEGATIVE DECLARATION

WHEREAS, the Town of Cambria, through their Town Engineer, Wendel, has completed a Map, Plan, and Report for the extension of waterlines on Cambria, Comstock and Subbera Roads, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Cambria Town Board has conducted a coordinated review and no one has objected to the Town Board acting as Lead Agency, and

WHEREAS, a public hearing was held on September 10, 2015, regarding this project, and no adverse comments were received.

NOW, THEREFORE BE IT RESOLVED, the Cambria Town Board based on the attached documentation and in accordance with the State Environmental Quality Review Act (SEQRA) has determined that this proposed waterline project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues a SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations, and

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the Environmental Assessment Form (EAF).

Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to approve the SEQR Negative Declaration Resolution Cambria/Subbera/Comstock Road Waterlines and authorize the Supervisor to sign the Environmental Assessment Form.

Roll Call was taken.

Ayes: Ellis, Hurtgam, Ohol, Roberts

-Motion Carried-

BOND RESOLUTION DATED SEPTEMBER 10, 2015

A RESOLUTION AUTHORIZING THE INSTALLATION OF APPROXIMATELY 1,800 LINEAR FEET OF 8 INCH PVC WATERLINE ALONG COMSTOCK ROAD, APPROXIMATELY 1,000 LINEAR FEET OF 8 INCH PVC WATERLINE ALONG SUBERRA ROAD AND APPROXIMATELY 1,400 LINEAR FEET OF 8 INCH PVC WATERLINE ALONG CAMBRIA ROAD AT AN ESTIMATED MAXIMUM COST OF \$704,000.00 AUTHORIZING THE ISSUANCE OF \$704,000.00 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 Cambria Water District in said Town, and

WHEREAS, it is now desired to authorize the installation of approximately 1,800 linear feet of 8 inch PVC waterline along Comstock Road, approximately 1,000 linear feet of 8 inch PVC waterline along Suberra Road and approximately 1,400 linear feet of 8 inch PVC waterline along Cambria Road, at an estimated cost of \$704,000.00 and authorizing the issuance of \$704,000.00 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 installation of approximately 1,800 linear feet of 8 inch PVC waterline along Comstock Road, approximately 1,000 linear feet of 8 inch PVC waterline along Suberra Road and approximately 1,400 linear feet of 8 inch PVC waterline along Cambria Road at an estimated cost of \$704,000.00, and authorizing the issuance of \$704,000.00 serial bonds, in and for the Cambria Water District of 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 \$704,000.00 and the plan for the financing thereof is \$704,000.00 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 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 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 Water District No. 1 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.

The question of the adoption of the foregoing Resolution was duly moved by Councilman Hurtgam and seconded by Councilman Roberts and put to a vote on roll call, which resulted as follows:

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

The Resolution was thereupon declared duly adopted.

Supervisor Ellis introduced Lauren Glose, Wendel, to give a brief update on the waterline project.

Ms. Glose reported that the wetland delineation was done, the report has been submitted in draft form and the final report is due next week. The information in this report shows that the project is outside the wetland areas and a permit will be issued to cross Bull Creek. The soil bores have been done and areas where rock is present have been identified. Wendel is working on all the necessary applications to CSX to cross the railroad; to National Grid and Niagara Mohawk regarding the transmission lines in the project area; and to Agriculture and Markets for review. The project is moving forward nicely.

Supervisor Ellis reported that the permit process is very involved and timely. This project is scheduled for the 2016 construction season and bid packages will go out in January or February.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report August: Total Receipts: \$60,156.22
- Building Inspector Report August: Total fees collected: \$ 3,923.55
Total estimated value of construction: \$22,544.65

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Brush will be picked up until the snow falls.
- Irish Road will have some repairs.
- Niagara County will be paving/milling/shoulder work on Upper Mountain Road from Pekin to Shawnee and from Thrall Road to Lockport City line, and next year Upper Mountain Road in front of the Town Hall.
- 2002 Chevy pick-up vin #5666 and 2003 Chevy Impala vin #4672 to be sent to auction.

Councilman Ohol inquired as to the progress of the drainage/ditch petitions. Mr. MacSwan said it is progressing well and they may need to have another meeting because he has received a couple more applications.

TOWN POLICY AND PROCEDURES REVIEW COMMITTEE

Councilman Roberts indicated that the changes have been received from the Town Attorney and are being reviewed. The committee hopes to have a public hearing in December.

ATTORNEY REPORTS

Mr. Roberson reported that he called the Erie County Attorney's office regarding the reimbursement from the November 2014 snowstorm. He is expecting a call back in the morning.

CONCERNS OF CITIZENS

Supervisor Ellis welcomed two students in the audience- Ms. Chatley from Starpoint and Ms. Mosher from Wilson.

Allison Chatley/Starpoint- Upper Mountain Road

Ms. Chatley asked the Town Board if there is a cut off time for the air cannons. They have been going off all night long approximately every 3 to 4 minutes. Supervisor Ellis indicated they should not be going off all night and he would inform the Building Inspector.

She also asked if there is an ordinance for recreational gun fire. Supervisor Ellis indicated that there is not, however there is a state regulation that one must be 500 feet from a dwelling. The Building Inspector will also follow up on this issue.

PUBLIC HEARING ON 2016 BUDGET

PRESENTATION OF TENTATIVE BUDGET

Tentative Budget to be presented to the Town Board by the Town Clerk
October 2, 2015, at the Town Hall at 12:00 pm.

3. Real Property formerly owned by Samuel S. Sansone a/k/a Samuel Sansone identified as In Rem parcel no. 120.17 - 2 - 1.12, SBL No. _____

by agreeing to defend the indemnitees as set forth herein and further agrees that if any of the indemnitees receives a claim, complaint, or is sued as a result of the ownership, use, and occupation of said Property, in such event, the Town of Cambria agrees to pay all attorney's fees and expenses of the indemnitees which receive a claim or complaint or is sued. The selection of such attorney or attorneys to represent any or all of the indemnitees to be in the sole and exclusive discretion and determination of the Town of Cambria, unless the parties hereto otherwise agree.

IN WITNESS WHEREOF, the Town of Cambria, by its Supervisor, the County of Niagara by its Legislative Chairman, and the Niagara County Treasurer have duly executed this **AGREEMENT** on the day and year above written.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to approve the Property Acquisition Agreement as written-except the correction of information identifying the parcels.

Roll Call was taken.

Ayes: Ellis, Hurtgam, Ohol, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASE

Supervisor Ellis reported three procurement purchases that need approved:

HIGHWAY FUND

Removal of greenwaste/stumps and brush from the Town grounds ó grinding brush piles by low quote -Zoladz Construction- 13600 Railroad Street Alden, NY 14004 in the amount of \$4,500.00. This purchase was included in the budget.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to approve the proposal from Zoladz Construction- 13600 Railroad Street Alden, NY, in the amount of \$4,500.00 for removal of greenwaste/stumps and brush from the Town grounds – grinding brush piles.

Ayes: Ellis, Hurtgam, Ohol, Roberts

-Motion Carried-

SEWER FUND

Sole source purchase from Fluid Kinetics for inventory to repair & rebuild grinder pumps. 4-Myers Grinder Pumps / 3-Myers Check Valve Assembly in the amount of \$9,452.00. This purchase was included in the budget.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Roberts, it was resolved to approve the proposal from Fluid Kinetics-PO Box 655 Orchard Park, NY, in the amount of \$9,452.00 for 4-Myers Grinder Pumps / 3-Myers Check Valve Assembly.

Ayes: Ellis, Hurtgam, Ohol, Roberts

-Motion Carried-

WATER FUND

Water equipment purchase to mow waterline right of ways. Brush Hog-Heavy Duty-Land Pride Rotary Cutter RCF 3096. Low quote from Bentley Bros., 5605 Brockport Spencerport Rd., Brockport NY, 14094-in the amount of \$5,375.00. This purchase was included in the budget.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the proposal from Bentley Bros., 5605 Brockport Spencerport Rd., Brockport NY, 14094-in the amount of \$5,375.00 for Bush Hog-Heavy Duty-Land Pride Rotary Cutter RCF 3096.

Ayes: Ellis, Hurtgam, Ohol, Roberts

-Motion Carried-

ADJOURNMENT

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

Respectfully submitted,

Tamara J. Cooper
Town Clerk