

TOWN OF CAMBRIA TOWN BOARD

September 8, 2016

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 8th day of September 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
Robert Roberson, Attorney
Jamie Johnson, Wendel
Lauren Glose, Wendel
David Godfrey, Legislator
2 interested individuals

Following salute to the flag, Supervisor Ellis called the meeting to order. The Town Board took action on the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the Minutes of the Town Board meetings: August 11, 2016- regular; August 24, 2016-special meeting; and September 1, 2016-special meeting.

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 Fund	Claims	12-13	\$ 2,928.85
General Fund	Claims	370-413	\$ 38,675.22
Highway Fund	Claims	151-167	\$ 49,325.61
Recreation Fund	Claims	64-69	\$ 8,499.01
Refuse Fund	Claim	11	\$ 30,869.46
Town Park Construction Fund	Claims	10	\$ 6,503.08
Trust & Agency	Claims	19-20	\$ 11,297.00
Water Construction Fund	Claims	16	\$ 11,280.18
Water Operating Fund	Claims	127-139	\$ 5,809.89

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved that the abstract of audited vouchers dated September 8, 2016, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

Supervisor Ellis indicated there is one additional voucher that came in too late for the abstract. It is a final bill from Brandt, Roberson & Brandt, Town Attorney, for work that was done as response to the Article 78 Petition that was initiated by Vincent Salerno. Amount of voucher is \$2,100.00.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the voucher from Brandt, Roberson and Brandt in the amount of \$2,100.00.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

Lauren Glose, Wendel Engineers, reported on the following:

COMSTOCK/SUBBERA/CAMBRIA ROADS WATERLINES

- Wendel is working with Mar Wal Construction for the installation of the water lines on Comstock, Cambria and Subbera Roads. This project is currently 50% complete. They are also working with CSX to make sure all upcoming work is scheduled and in on time. Currently in discussion with the contractor regarding the schedule for the remainder of the project. Wendel has requested a detail sketch to ensure the contractor will be meeting the contract deadline. According to conversations with CSX, the bore on Cambria Road cannot be scheduled until September 26, 2016. This will take anywhere from nine days to two weeks to complete and will extend past the original completion date. This is due to availability of the CSX personnel for on-site flagging and for construction observation.

Supervisor Ellis indicated that the Town is in receipt of Payment Request #2 ócontract 16-1, from Mar-Wal Construction, Inc. for the waterline connection in the amount of \$98,873.07. Wendel has verified that all the necessary documentation is in order and is recommending payment by the Town.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Ohol, it was resolved to approve Payment Request #2 from Mar-Wal Construction Inc., in the amount of \$98,873.07.

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

Jamie Johnson, Wendel Engineers, reported on the following:

TOWN PARK COMFORT STATION

- Kirst Construction is currently working on the comfort station in the Park. Work completed to date: site prep, excavation, footers and foundation. This week and into next week they will be working on electrical site work, pouring the slab on grade, rough exterior plumbing and the masonry should be in by next week and the walls will take shape.
- There is one change in the contract with regard to the electrical that is to be discussed with the Town Board. Originally the Board authorized the proposal from John Thilk to bring electrical power from the newly installed transformer to the temporary outside disconnected meter. After construction has been complete it is to be moved indoors. Wendel is requesting this scope of work, that has not yet been completed, be moved into the current contract. (Change Order #1) This will make for a smoother process from a coordination and scheduling standpoint. The original quote from Thilk was \$6,927.00 and the revised quote is \$1,728.00.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve Change Order #1 for Kirst Construction related to primary power from the National Grid transformer to the Comfort Station building in the amount of \$1,728.00.00.

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

- Drinking fountain installation is still in discussion.

NATURAL GAS PROJECT

Jon MacSwan, Highway Superintendent, indicated that he is in receipt of three proposals for the Natural Gas furnace conversion for the Town Hall Buildings. Hoot Mechanical, PO Box 428 Lockport, NY 14095, was the low proposal at \$22,900.00. Mr. MacSwan is recommending Hoot Mechanical to complete the work.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to approve the proposal from Hoot Mechanical and Electrical-P.O. Box 428, Lockport NY, 14095, in the amount of \$22,900.00 for the conversion or replacement of heating equipment from propane to natural gas. This is to include: Municipal Building- Garage, Office and Breakroom; Community Room; and Town Hall. This is to exclude any piping, specifically piping new meter sets to equipment or removal of propane piping.

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

REFUSE/RECYCLING CONTRACT

Supervisor Ellis indicated that the Refuse/Recycling Bids for the joint contract with Cambria, Pendleton, Newfane and Somerset will be opened on Wednesday, September 21, 2016, at 4:00 pm at the Town of Cambria Town Hall.

2017 BUDGET

The Public Hearing on the 2017 Preliminary Budget and 2016 Assessment Roll for the special districts will be held on November 10, 2016, at 7:00 pm.

Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to hold a public hearing on the 2017 Preliminary Budget and 2016 Assessment Roll for the special districts, be held on November 10, 2016, at 7:00 pm.

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

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report August: Total Receipts: \$57,596.06
- Building Inspector Report August: Total fees collected: \$ 4,002.50
Total estimated value of construction: \$517,320.00

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Paving delays on Upper Mountain Road due to mechanical problems with the county's paving machine.
- Fall road striping is scheduled for September.
- Salt cost will stay the same for 2017 at \$47.57 a ton.
- Brush pick up will begin again this week.

WATER/SEWER DEPARTMENTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- The Water Dept. has five new services to install.

TOWN POLICY AND PROCEDURES REVIEW COMMITTEE

Councilman Foe reported that a meeting was held on August 24, 2016, 7:00 pm between the Town Board and the Town Attorney with regard to the Zoning change document. Final changes have been made and Mr. Foe is requesting a public hearing be scheduled for November, 10, 2016, at 7:05 pm.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to hold a public hearing on the final Zoning Ordinance revisions on November 10, 2016, at 7:05 pm.

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

ATTORNEY REPORTS

Town Attorney, Robert Roberson reported as follows:

- Mr. Roberson reported that he has obtained a signed order of judgement from Judge Boniello regarding the Vincent Salerno matter. It was filed in the County Clerk's office and a copy was served to Mr. Salerno's attorney and the time to appeal has started.

CONCERNS OF CITIZENS

David Godfrey, Legislator, reported on the following:

- Broadband news: Time Warner has submitted their list of 145,000 address points to the Public Service Commission. The Broadband office has indicated that there is a stakeholder technical session on September 29, 2016. The bidding for the second round of funding will open on October 17th, and close on November 30th.
- Lake Levels: A meeting is scheduled in Washington on September 22, 2016, with regard to the Lake Levels and the economic impact on property owners along the lake shore as well as the fishing and boating industry. The Regional Dredging plan is moving along with the help of Wendel. They are orchestrating the first meeting of the four counties (Niagara, Orleans, Monroe and Wayne).
- Unmanned Aerial Systems: The Sheriff is looking to have a county wide ordinance on drones. The Coast Guard has some concerns with the navigation. Mr. Godfrey asked the Town Board to submit to him any areas that are of any concern within the Town that they would like highlighted and considered for the ordinance. Councilman Foe indicated that there are some uses of drones for agricultural purposes that are very viable and asked Mr. Godfrey to consider alternate options when discussing prohibited areas for the ordinance.

PROPERTY ACQUISITION

Supervisor Ellis reported that the Attorney has prepared a Transfer and Indemnity Agreement between the Town of Cambria and Niagara County for the three parcels at the former Lockport Air Base.
(SBL#120.17-2-1.3; SBL#120.17-2-1.5; SBL#120.17-2-1.12)

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the Transfer and Indemnity Agreement between the Town of Cambria and Niagara

County for the three parcels at the former Lockport Air Base and authorize the Supervisor to sign. (SBL#120.17-2-1.3; SBL#120.17-2-1.5; SBL#120.17-2-1.12)

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

ZONING ORDINANCE REVISION

Supervisor Ellis indicated that the Town Board must be declared as lead agent for the SEQR process for the Zoning Ordinance Revisions.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to declare the Town Board as Lead Agent for the SEQR process and to authorize Wendel Engineers to conduct the SEQR.

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

PROCUREMENT POLICY ITEMS

Supervisor Ellis reported there are two items under the procurement policy. There is a purchase of water main pipe for inventory from Lock City Supply Inc. in the amount of \$1,632.40 (Water- 2016-8) and a purchase of four grinder pumps for inventory from Fluid Kinetics Inc. as sole provider in the amount of \$9,940.00 (Sewer-2016-7).

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to accept the procurement purchase of water main pipe for inventory from Lock City Supply Inc. in the amount of \$1,632.40 (Water- 2016-8) and a purchase of four grinder pumps for inventory from Fluid Kinetics Inc. as sole provider in the amount of \$9,940.00 (Sewer-2016-7).

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

EAGLE SCOUT PROCLAMMATION

***Dennis Held*
PROCLAMATION**

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

Whereas, in September 2003, Dennis Held joined Cambria Cub Scout Pack 8; and

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

Whereas, Dennis has earned 34 merit badges and other special awards including, Ad Altare Dei and Pope Pius XII, and served his Troop as Assistant Patrol Leader, Patrol Leader, Chaplains Aide, Quartermaster and Senior Patrol Leader; and

Whereas, Dennis has exemplified leadership qualities, organizational skills and strength of character while completing his Eagle Scout Project for the Sanborn-Pekin Library by replacing the flagpole, making the library hours of operation sign easier to read and by building flower boxes; and

Whereas, as a member of Troop 8, Dennis, through his hard work and personal commitment, attained the rank of Eagle Scout on August 19, 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 September 8, 2016.

TOWN OF CAMBRIA TOWN BOARD

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the Eagle Scout Proclamation honoring Dennis Held for attaining the rank of Eagle Scout.

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

PROCLAMATION – Marge Meahl

Supervisor Ellis announced a retirement party for Marge Meahl, on September 20, 2016. Marge recently retired as the Recording Secretary for the Planning Board and Zoning Board of Appeals.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to authorize the Supervisor and Town Clerk to prepare a proclamation recognizing Marjorie Meahl upon her retirement, September 1, 2016.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

BOARD OF ASSESSMENT REVIEW APPOINTMENT

Tabled until October.

SURPLUS ITEMS

Supervisor Ellis mentioned that there are some items from the Town's inventory that must be declared surplus. Inventory Items: upholstered office chair: Inventory # 242; typing system/swintec: Inventory # 540; emachine work station: Inventory # 754; HP 1100 Laserjet Printer Inventory # 359.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to declare the following items as surplus: upholstered office chair: Inventory # 242; typing system/swintec: Inventory # 540; emachine work station: Inventory # 754; HP 1100 Laserjet Printer Inventory # 359 and authorize the Supervisor to dispose as he sees fit.

Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts

-Motion Carried-

SNOW AND ICE CONTRACT

Jon MacSwan asked that the Town Board approve the Snow and Ice contract with the county.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the Snow and Ice Contract 2016-2019 and further authorizing the Highway Superintendent to sign.

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: 7:40 pm

Respectfully submitted,

Tamara J. Cooper
Town Clerk