

TOWN OF CAMBRIA TOWN BOARD

April 11, 2024

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 11th day of April 2024 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

BOARD MEMBERS PRESENT:

Jon T. MacSwan, Supervisor
Louise C. Brachmann, Councilwoman
Jeffrey S. Hurtgam, Councilman
Randy M. Roberts, Councilman
Benjamin D. Musall, Councilman

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Steven Kroening, Highway Superintendent
Pat McCoy, Park Director
Tim Walck, Engineer
David Haylett, Attorney

Also present: Matthew Foe, Commissioner of Special Projects

Following salute to the flag, Supervisor MacSwan opened the public hearing on the Franchise Agreement with Spectrum:

The Clerk read the following Public Hearing Notice:

**NOTICE OF PUBLIC HEARING
TOWN OF CAMBRIA**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cambria on the 11th day of April, 2024 at 7:00 p.m., at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York, regarding granting a cable television franchise agreement by and between the Town of Cambria and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications.

A copy of the agreement is available for public inspection during normal business hours at the Town Clerk’s office, 4160 Upper Mountain Road, Sanborn, New York.

At such public hearing, all persons interested, who wish to be heard will be heard.

Dated: March 28, 2024

Mr. Haylett, Attorney, gave a brief background on the agreement and Supervisor MacSwan opened the public hearing for comments.

As there were no comments from the public, the public hearing was closed.

7:03 pm

Supervisor MacSwan 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 meetings of March 14, 2024, work and regular.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment April 11, 2024:

April 11, 2024

ACCOUNT	AMOUNT
Cemetery	\$ 260.48
Drainage	\$ 943.00
Fire (special district)	\$ 3,822.00
General	\$ 136,845.41
Highway	\$ 55,980.17
Sewer Const.	\$ 239.70
Sewer Operating	\$ 16,967.10
Water Operating	\$ 47,132.71

Upon a motion duly made by Councilman Musall and seconded by Councilwoman Brachmann, it was resolved to approve the abstract of audited vouchers dated April 11, 2024, be approved as read by the Town Clerk.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

OLD BUSINESS

Project Updates Wendel Engineers:

- Lockport Road Sewer Replacement – waiting for some decisions from the Town Board to proceed.
- Cambria Road and Baer Road Culverts- subcontractors will be out doing the wetland and delineations needed at both sites.

REPORTS

SUPERVISOR

Jon MacSwan, Supervisor, reported as follows:

BEAR RIDGE SOLAR

No updates to report.

Supervisor MacSwan mentioned an Eagle’s nest has been found on the corner of Rt. 31& Comstock Road.

Town Clerk reported receipt of the following:

Tamara Cooper, Town Clerk, reported as follows:

- Town Clerk Report March: Total Receipts: \$ 14,673.39
- Building Inspector Report March: Total fees collected: \$ 2,744.35
- Estimated value of construction: \$ 1,030,399.00

HIGHWAY SUPERINTENDENT REPORTS

Stephen Kroening, Highway Superintendent, reported as follows:

HIGHWAY:

- Highway Dept. in spring mode.
- Repairing and servicing equipment.
- On road ditching now.
- Brush pick-up will resume week of April 15th.
- Will be eliminating the service on highway printer-not in use.
- Some employees will be attending safety training classes.

CEMETERY:

- Rolling the lawn.
- Mowing will start.

WATER/SEWER

- Preparing irrigation meters.
- Repairing and servicing equipment.
- Attending training classes.

PARK

- Lawn rolling and mowing.
- Installation of automatic flushers and faucets.

BUILDING AND GROUNDS

- License plate reader/camera in process of being installed at Town Hall entrance.

Mr. Kroening, Highway Superintendent, asked the Town Board to declare 9 tables (both 6' and 9') located in the Community Room as surplus. They will be donated to the Veterans' Association.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to declare 9 tables at the Community Room as surplus and donate to Veteran's Association. (9' and 6' tables)

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

ATTORNEY REPORTS

David Haylett, Town Attorney, reported as follows:

- Discussion with the Town Board about a local law that pertains to storage within the Town. If the Board chooses to, he will create a document for the Mays meeting.
- The sale of Eagle Drive is still going through.

Supervisor MacSwan asked Mr. Haylett if he could look into the Rapid Act.

Councilman Roberts gave a brief description about the Rapid Act. He indicated that the Governor attached this to the budget to help green energy project with eminent domain running high intensity lines without getting input from the towns and override home rule.

COMMISSIONER OF SPECIAL PROJECTS

Matthew Foe, Commissioner, reported as follows:

- Working on Drainage after the last major rain event that caused considerable flooding on the south side of Niagara County. Wilson and Wheatfield put a committee together to discuss this issue.
- NYS has allowed Niagara County to go rifle hunting throughout the entire county. A team is being put together to look at maps, population density etc.

CONCERNS OF CITIZENS

No one desired to be heard.

NEW BUSINESS

TOWN PARK RULES AND REGULATIONS AMENDMENT

ADD TO SECTION 100.2 PERMITS, CONDITIONS, FEES F: (6) TOWN SPONSORED EVENTS ARE EXEMPT.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve amendment to the Town Park Rules and Regulations: ADD TO SECTION 100.2 PERMITS, CONDITIONS, FEES F: (6) TOWN SPONSORED EVENTS ARE EXEMPT.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

PERSONNEL-CLERK (PART TIME)

Supervisor MacSwan is requesting the Town Board authorize him to hire a part time clerk to help fill in with the courts.

Upon a motion duly made by Councilman Roberts and seconded by Councilwoman Brachmann, it was resolved to authorize the Supervisor to hire a part time clerk to help fill in with the courts.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

AUTHORIZE SALE OF TOWN PROPERTY

Upon a motion duly made by Councilman Hurtgam and seconded by Councilwoman Brachmann, it was resolved to authorize the Supervisor to hire Hunt Real Estate to assist the Town in selling the 8.9 acres on Unicorn drive.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

David Haylett, Town Attorney read the following resolution:

FRANCHISE AGREEMENT

STATE OF NEW YORK

Town of Cambria

County of Niagara

In the Matter of the Granting of a Cable Television Franchise Held by Spectrum Northeast, LLC in the Town of Cambria, County of Niagara, New York

RESOLUTION

*An application has been duly made to the Board of the **Town of Cambria County of Niagara**, New York, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter’s cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission.*

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Cambria, New York on April 11, 2024 at 7:00 P.M. and notice of the hearing was published in the Niagara Gazette on March 30, 2024

NOW, THEREFORE, the Board of the Town of Cambria finds that:

1. *Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and*
2. *Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and*
3. *Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.*

BE IT FURTHER RESOLVED that the Board of the **Town of Cambria** hereby grants the cable television franchise of Spectrum Northeast, LLC and the **Town of Cambria** for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Board of the **Town of Cambria** hereby confirms acceptance of this franchise renewal agreement.

No motion made- action to be taken at May meeting.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Musall and seconded by Councilman Roberts. Time: 7:19 pm.

Ayes: MacSwan, Brachmann, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk