

Unapproved
Subject to change prior to approval

TOWN OF CAMBRIA TOWN BOARD
August 10, 2023

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 10th day of August 2023 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
Benjamin D. Musall, Councilman
Randy M. Roberts, Councilman

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Steven Kroening, Highway Superintendent
Robert Roberson, Attorney
David Godfrey, County Legislator
12 Interested Individuals

Following salute to the flag, Supervisor Ellis called the meeting to order. Board members took action upon the following matters:

APPROVAL OF MINUTES

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the minutes of the Town Board meetings of July 13, 2023-work and regular.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

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

August 10, 2023	CLAIM NUMBERS	ACCOUNT
Cemetery	8 & 9	\$ 30.97
Drainage	7	\$ 2,172.50
General	366-425	\$ 71,470.81
Highway	114-133	\$ 115,238.25
Refuse	8 & 9	\$ 38,834.58
Sewer Operating	32-35	\$ 5,889.52
Trust & Agency	16 & 17	\$ 2,129.00
Water Operating	118-131	\$ 11,183.96

Upon a motion duly made by Councilman Roberts and seconded by Councilman Musall, it was resolved that the abstract of audited vouchers dated August 10, 2023, be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

FAIR VILLAGE SEWER REPLACEMENT PROJECT

Supervisor Ellis recommended the Board authorize Wendel Engineers to issue a Notice to Proceed for the Fair Village Sewer Replacement Project to NFP & Son's Inc.

Upon a motion duly made by Councilman Foe and seconded by Councilman Musall it was resolved to authorize Wendel Engineer to issue a notice to proceed for the Fair Village Sewer Replacement Project to NFP & Son's Inc.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

WATER SUPPLY VULNERABILITY ASSESSMENT - CYBERSECURITY

Councilman Foe reported the Town has finally received a reply from its provider and is working with Wendel Engineer and it should have something by next week. The Supervisor will sign and then the assessment will be sent to the State.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- | | | | |
|-----------------------------------|-----------------------|----|------------|
| • Town Clerk Report July: | Total Receipts: | \$ | 28,910.72 |
| • Building Inspector Report July: | Total fees collected: | \$ | 3,844.88 |
| Estimated value of construction: | | \$ | 250,000.00 |

HIGHWAY SUPERINTENDENT REPORTS

Steven Kroening, Highway Superintendent, reported as follows:

Mr. Kroening asked for authorization to declare truck #21 as surplus-old fuel truck.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to authorize the Highway Superintendent to declare as surplus truck #21 vin 1GCEK19V41E304182 Chevy 2001 Fuel Truck and put out for sale. If no offers it will be scrapped.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

- Raymond Road completed, waiting to be striped.
- Repairs on Plank, Green and Budd Roads.
- Chip sealing on Green Road, week of 8/20 weather permitting.
- Still hauling for other towns.
- Continuing with roadside mowing.

WATER SEWER REPORTS

Steven Kroening, Highway Superintendent, reported as follows:

- Painting fire hydrants and still installing new meters.
- Cemetery-mowing and weed whacking.
- Park- flagpole light installed.
- Park-baseball and lacrosse season wrapping up.

ATTORNEY REPORTS

No reports.

Supervisor Ellis reported as follows:

Bear Ridge Solar-The Siting Permit was issued by ORES on July 31st. They waived the Town's local laws, setbacks, etc. that the Town set forth. They did exempt the 122 acres on the PUD District-Cambria Tech Park where they cannot develop. The developers have to go back to think about what they want to do. The Town is talking with legal counsel about the next steps.

Baer Road Culvert-The Commissioner's office contacted the Town regarding a grant in the amount of \$871,036.00 for the Baer Road culvert. They want to get together to talk about how the Town goes about the project. It will cover construction, design, construction services, everything. This will be a 2024 project.

CONCERNS OF CITIZENS

Tyler Booth-3037 Lower Mountain Road/5182 Ridge Road

Mr. Booth indicated that he needs to put gutters on the 5182 Ridge Road property. He is requesting that the Town Board allow the Town's Building Inspector to issue permits for this work or allow a Building Inspector from another town to do so.

Supervisor Ellis recommended that Mr. Booth contact the Building Inspector. Mr. Booth indicated he had and was informed they were not permitted to speak to him because of ongoing litigation. The Supervisor indicated that he would discuss the concern with the Ridge Road property with the Building office and see if they can address the issue.

John Newman- 3037 Lower Mountain Road/5182 Ridge Road

Mr. Newman requested a follow-up email regarding the conversation that took place regarding this issue.

Supervisor Ellis indicated that it will be in the minutes and on video.

David Godfrey-Legislator, reported on the following:

- Two Mercy Ambulances seem to be working well with the county to supplement the volunteers. They have consultants looking into the data to determine the right model going forward for providing supplemental ambulance services. This report should be in by late September.
- July 27th Senator Gillibrand had a first responders' summit in Washington. The volunteer issue is statewide. Her senior staff provided a lot of information.
- A ceremony for the Purple Heart Monument unveiling took place Sunday. Well over 300 people were in attendance with 109 of them being Purple Heart recipients.

NEW BUSINESS

Local Law #2 of 2023 Re: Building Contractors

Supervisor Ellis indicated that a Local Law Regulating Building Contractors has been proposed. He is recommending a Public Hearing be called for September 14, 2023, at 7:00 pm.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to schedule a Public Hearing be called on the Proposed Local Law #2-2023 Regulating Building Contractors for September 14, 2023, at 7:00 pm.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASES

2023-24 GENERAL

1355.02

Furnish & install two new HP Computers – Equipment Failure-Assessor’s office.

Premcom- \$3,476.00

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the procurement purchase from PREMCOM for furnishing and installing two HP Computers in the Assessor’s office in the amount of \$3,476.000.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-25 GENERAL

5132.04

Zoll AED Life Saving Device for Highway Garage.

Cardiac Life \$1,667.80

Approved in July- this is for a price increase.
Sole source because it needs to be compatible with the Cambria Vol. Fire Company.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to approve the proposal for an AED for the Highway Garage from Cardiac Life in the amount of \$1,667.80.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-26 GENERAL

1650.02

Accounting Server-Furnishing and installing server.

Premcom \$5,137.00

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to accept the proposal from Premcom for an accounting server (furnish and install) in the amount of \$5,137.00.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-27 GENERAL

7140.02

Monitor System Town Park Camera
Sole Source-company that installed the cameras.

Linklogix.io \$1,959.00

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Linklogix.io for monitor system-park camera’s in the amount of \$1,959.00.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2023-28 GENERAL

1620.04

Town Hall Parking Lot Seal & Stripe

Buffalo Road Marking, Clarence \$7,730.00

G.D. May Services, Gasport	\$8,675.00
Monroe Sealers, Burt	\$8,850.00

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Musall, it was resolved to accept the proposal from Buffalo Marking, Inc., Clarence in the amount of \$7,730.00 for striping and sealing of the Town Hall parking lot.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

**2023-29 WATER
8340.02**

Repair lift in shop-split between Highway & Water
Sole source- emergency purchase-lift inoperable without control box.

Gray	\$2,296.53
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Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Gray USA for control box-repair lift in shop in the amount of \$2,296.53.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

**2023-30 HIGHWAY
5130.02**

Repair lift in shop-split between Highway & Water
Sole source- emergency purchase-lift inoperable without control box.

Gray	\$2,296.53
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Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Gray USA for control box-repair lift in shop in the amount of \$2,296.53.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

UNICORN DRIVE DEVELOPMENT PROPSAL (PD DISTRICT)

Supervisor Ellis reported he is in receipt of a proposal from E2I, a developing partner of 5835 Unicorn Drive. They are requesting permission to present their proposal for 49 electric vehicle (EV) chargers and renovations to the existing apartment building (old Unicorn Apts.) on site to the Planning Board.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to forward the proposal of E2I, a developing partner of 5835 Unicorn Drive to the Planning Board for renovation of the existing apartment building and site plan and review and recommendation.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

2024 BUDGET

Supervisor Ellis reported that the 2024 Budget preparations are underway and the department heads are working on their requests.

EAGLE SCOUT PROCLAMATION

**Eagle Scout-Evan Strong
PROCLAMATION**

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

Whereas, Evan Strong joined Cambria Cub Scout Pack 8 and earned his Arrow of Light April 2016, and crossed over to Cambria Boy Scout Troop 8; and

Whereas, Evan has earned 41 merit badges representing a wide range of interests, 14 Eagle Badges, and he has served as an Assistant Patrol Leader, Patrol Leader and a member of Senior Patrol; and

Whereas, Evan has exemplified leadership qualities, organizational skills and strength of character while completing his Eagle Scout Project for the Newfane Public Library by building two picnic tables and three Adirondack chairs; and

Whereas, as a member of Troop 8, Evan, through his hard work and personal commitment, attained the rank of Eagle Scout on April 18, 2023, 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 August 10, 2023.

TOWN OF CAMBRIA TOWN BOARD

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam it was resolved to approve the Eagle Scout Proclamation for Evan Strong.

The question of the adoption of the forgoing Resolution was put to a roll call vote, which resulted as follows:

WRIGHT H. ELLIS voting AYE
MATTHEW P. FOE voting AYE
JEFFREY S. HURTGAM voting AYE
BENJAMIN D. MUSALL voting AYE
RANDY ROBERTS voting AYE

The Resolution was thereupon declared duly adopted.

U&S CONTRACT

Supervisor Ellis indicated that the U&S service contract is up for renewal. They provide the services for the controls for the heating and cooling system in the Town Hall. The price for renewal is \$8,580.00. The Town will pay \$2,680.00 annually in advance. This is a three-year contract. They are proposing an upgrade for an additional \$11,500.00. Waiting for details on this upgrade.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the three-year contract with U&S to provide controls for the heating and cooling system in the Town Hall, Community Room and Municipal Garage in the amount of \$8,580.00; \$2,680.00 annually.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

ADDITIONAL MATTERS

JUSTICE:

RESOLUTION IN OPPOSITION TO NEW YORK STATE SENATE BILL S-139B

Supervisor Ellis gave a brief background on the resolution being presented by the Justice Court.

Town of Cambria, NEW YORK

RESOLUTION IN OPPOSITION TO NEW YORK STATE SENATE BILL S-139B

WHEREAS, New York Senate Bill number S-139B was passed in the most recent legislative session, which, if adopted by the NYS Assembly and signed by the Governor, would have required that all Judges presiding in the 100 largest Town and Village Courts in New York State, to be licensed to practice law in New York State, and to have been admitted to the New York State Bar for at least five years, and,

WHEREAS, the 12 Town and Village Courts in Niagara County are part of the nearly 1,200 Justice Courts in the State of New York that collectively handle well over 1 million cases each year.

WHEREAS, the 12 Town and Village Courts in Niagara County generate over \$1.6 million dollars for the towns and villages in Niagara County.

WHEREAS, the Town & Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System.

WHEREAS, the Town/Village Courts of Niagara County are a vital service to our residents and to the Niagara County community as a whole.

WHEREAS, the 23 Justices in Niagara County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to the judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct.

WHEREAS, the Justices are required to be on-call 24 hours a day, 365 days a year to sign arrest and search warrants, perform arraignments, and issue orders of protection.

WHEREAS, the Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and of the State of New York are provided and protected.

WHEREAS, the Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard in an available and accessible forum.

WHEREAS, the Town and Village Courts provide a venue for citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters.

WHEREAS, the Town and Village Justices preside nightly and on weekend and holiday mornings at the Niagara County Arraignment Part (‘CAP’) conducted in the County Jail, that ensures that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be processed for release, bail, or incarceration.

WHEREAS, the Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Niagara County Magistrates Associations and of the New York State Magistrates Association.

WHEREAS, the New York State Office of Court Administration must certify that all justices successfully complete mandatory training both following election and in each subsequent year.

WHEREAS, the New York State’s Commission on Judicial Conduct’s most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against town and village judges while the remaining complaints were against either “State-paid” judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%).

WHEREAS, this Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve their community, whether they be attorney or non-attorney.

WHEREAS, this Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts.

WHEREAS, this legislative body views the intention of this Bill is not designed to improve the courts, but rather a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents

approximately fifteen percent (15%) of the State's attorneys, to generate increased opportunities for its members, and to dictate who voters choose to serve in our local governments.

THEREFORE, BE IT RESOLVED, that the Governing board of the Town of Cambria strongly, and in unequivocal terms, calls upon both the leadership in the New York State Senate, in the New York State Assembly, and the Governor, to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam it was resolved to approve the Justice Resolution in Opposition to New York State Senate Bill S-139b.

The question of the adoption of the forgoing Resolution was put to a roll call vote, which resulted as follows:

WRIGHT H. ELLIS voting AYE
MATTHEW P. FOE voting AYE
JEFFREY S. HURTGAM voting AYE
BENJAMIN D. MUSALL voting AYE
RANDY ROBERTS voting AYE

Adopted by unanimous consent this 10th day of August 2023.

ZONING ORDINANCE UPDATES

Supervisor Ellis indicated that it is time for the Town to update and modernize the Zoning Ordinance. Wendel submitted a memo that includes an outline of detailed information for doing so.

Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to authorize Wendel to proceed with the proposal on updating the Zoning Ordinance and to give an estimate of cost.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Musall and seconded by Councilman Hurtgam. Time: 7:32 pm.

Ayes: Ellis, Foe, Hurtgam, Musall, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk