

TOWN OF CAMBRIA TOWN BOARD

August 12, 2021

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 12th day of August 2021 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

ALSO PRESENT:

Tamara J. Cooper, Town Clerk
Jon MacSwan, Highway Superintendent
Robert Roberson, Attorney
Tim Walck, Wendel
13 Interested individuals

Absent: Benjamin D. Musall, Councilman

Following salute to the flag, Supervisor Ellis called the regular 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 8, 2021 regular meeting and July 8, 2021 Work Meeting and Emergency Town Board Meeting August 3, 2021.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

APPROVAL OF VOUCHERS

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

August 12, 2021

FUND	CLAIM	AMOUNT
Cemetery	9-11	\$2,541.70
General	310-366	\$80,098.35
Highway	108-131	\$45,477.33
Refuse	9	\$32,791.75
Sewer Op	19-23	\$4,035.23
Trust and Agency	11-12	\$2,329.00
Water Operating	94-113	\$16,401.59

Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved that the abstract of audited vouchers dated August 12, 2021 be approved as read by the Town Clerk.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

NO OLD BUSINESS

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report July: Total Receipts: \$25,132.53
- Building Inspector Report July: Total fees collected: \$ 1,510.20
Estimated value of construction: \$ 852,908.00
- In receipt of a request from Amel Jowdy, Jr. to attend the NYS Magistrates Association Annual meeting and training in Niagara Falls, NY from September 25-29.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the request from Amel Jowdy, Jr. for he and Amel Jowdy III to attend the NYS Magistrates Association Annual meeting and training in Niagara Falls, NY from September 25-29.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Next week restoring road shoulders from the July storms.
- Culverts are plugged and they are working on fixing those.
- They are behind on brush pick up.

WATER SEWER REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- Water service connected on Eagle Drive and Old Shawnee Rd.
- Replaced valve on Baer Rd. because t-bolts rotted and caused a leak.
- New build on Shawnee Rd.

ATTORNEY REPORTS

No reports.

TOWN ENGINEER-WENDEL

Tim Walck, Engineer, reported as follows:

Wendel provided a proposal for the Town Board to survey an area on Ridge Rd. that was affected by the July rain storm and impacted several properties and farms. Approval for this proposal was given on August 3, 2021.

An old stone drainage way collapsed under the pressure of the water from the storm. This was east of Faery's Nursery. This caused severe flooding to Faery's and several homes and farms that are nearby. Wendel surveyed the properties involved and shot elevations across Rt. 104. There will be a meeting with the NYS DOT Hydraulic Engineer tomorrow and then the DOT meets with the Town Monday morning. The preliminary size for the new culvert is 24" x 36".

Several people in the audience voiced their concern around the flooding and how they had damage in one way or another.

A brief discussion took place.

CONCERNS OF CITIZENS

- One resident asked if there will be a change to the NYS Solar Law now that the Governor has resigned. Supervisor Ellis stated there is no indication of any change. The Town has voiced its concerns over the Visual Impact Statement and asked for a meeting to discuss it. Another resident indicated that Kathy Hochul made a blanket statement that she is aware of what Governor Cuomo was instrumental in and has the ability to keep things going.
- A question was asked of the Board as to whether or not a Dollar General was going up on Upper Mountain Road and Thrall. The Supervisor responded by saying, 'not that we know of'.
- Did a survey go out to residents regarding water/wells on properties? It was not a survey from the Town; it was from Cypress Creek as a check off item with regard to ground water.
- With the current flooding, the potential solar panels could leech into Bull Creek and affects the soy and corn that will ultimately affect the animals that use it for food. In addition the Monarch Butterflies are being affected by the changes in the environment. Jon MacSwan indicated that his employees do not mow the Brown Fields before fall because of the Monarch Butterflies. Supervisor Ellis advised that she write a letter to the editor to get the information out.
- Town residents are frustrated that their concerns re: solar issues are falling on deaf ears. The answer from Supervisor Ellis was that it is not so much falling on deaf ears as it is the process of the 94C. The Town is frustrated as well.
- Is the Town continuing talks with Cypress Creek. Supervisor Ellis indicated yes, they are. It is the best way to keep informed of what is going on throughout the process. Under Article 10 the Town knew what was being done on behalf of Cypress Creek, however under 94C it does not.

Councilman Foe also indicated the frustration on behalf of the Town Board with regard to Cypress Creek and the 94C rules/process. They must keep the communication open throughout the process.

- Was the July storm declared under FEMA. Assemblyman Morrinello, Senator Ortt and Senator Norris wrote a letter to the Governor asking for a declaration of emergency. Niagara County declared an emergency in Niagara County and that is still in effect.
- How do residents know if there will be a delay in refuse service? The Town of Cambria does NOT have a social media account so all information is posted on the website: www.townofcambria.com
- 94C-Are there any minimal environmental guidelines that the Federal Government requires? Supervisor Ellis indicated that the Federal Government is not in the business of renewable energy siting, that is up to the states.

Supervisor Ellis reported on the following:

The Corona Virus Local Fiscal Recovery Fund:

There was correspondence at one point that stated the Town of Cambria would receive one million dollars. The problem because the Town is under 50,000 in population it is filtered by the state. The state gets the money and then sends it to the Town. Another letter was received a while back stating that the Town would receive \$586,833.00. On 7/22/2021 there was a deposit into the Town's account from the NYS Comptroller in the amount of \$293,416.55 (half now and half in 2022). There are very strict guidelines as to how the money is to be spent; Water/Sewer/Broadband. There may be some expanded interpretations of those guidelines.

NEW BUSINESS

PELLICANO PROPERTY: 4660 RIDGE ROAD, LOCKPORT

Town Board is in receipt of a request from Frank and Mary Pellicano, 4660 Ridge Rd., to convert the restaurant portion of the property into a residential rental property. Supervisor Ellis is recommending the request be sent to the Planning Board for its review and recommendation. It is already zoned as Planned Development.

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to refer the request from Frank and Maria Pellicano dated July 2, 2021, to convert the old Twin Oaks restaurant into a residential rental property, to the Planning board for their review and recommendation.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

PROCUREMENT POLICY PURCHASE

2021-09 GENERAL

Replacing deck and railing at the Historical Society.

3 proposals:

G.D. Wendt Builders: \$14,052.00

Niagara Construction: \$9,360.00

Dream Team Construction: \$6,708.00

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Niagara Construction in the amount of \$9,360.00.00 to replace deck and railing at the Historical Society with composite decking. (composite will not take away historical value)

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

2021-10 GENERAL

Exterior painting of the Historical Building-existing paint is cracking and flaking off.

4 proposals:

Dream Team Construction: \$13,328.00

Niagara Construction: \$24,600.00

Pat Nye Painting: \$15,500.00

Dinieri Construction: \$18,500.00

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to accept the proposal from Dream Team Construction in the amount of \$13,328.00 for exterior painting of Historical Building.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

2021-11 GENERAL

Shed for Warming Station and Summer Storage/ shelter for skaters and storage.

3 proposals:

Lakeview Storage Shed: \$6,873.00-\$7,422.84 w/ two windows

Sturdi Build Sheds: \$8,359.75

Concord Amish Shed: \$6,815 plus \$200.00 for shipping.

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to accept the proposal from Lakeview Storage Shed in the amount of \$7,422.84 for warming shed with two windows.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

2021-12 GENERAL

Repairs to Home Plate Back Stop and Dugout Tops

1 proposal:

Fox Fence Inc.: 2659.66

Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to accept the proposal from Fox Fence in the amount of \$2,659.66 for repair of backstop fencing and tops of dugouts at the Town Park.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

2021-13 GENERAL

Two-sided Town Park Sign-Replacing Deteriorating Sign

3 proposals:

Darlak Signs: \$9,800.00-cedar engraved +\$300.00 for installation

Cooper Sign Company: \$6,543.19-post and panel sign

Cooper Sign Company: \$6,923.98-v-groove routed cedar

Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to accept the proposal from Darlak Signs in the amount of \$9,800.00 plus \$300.00 for installation of new double sided sign for the Town Park.

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

UNION NEGOTIATIONS

Supervisor Ellis and the Town Board received a letter from the Teamsters Local Union #264 interest in open negotiations on the collective bargaining agreement that expires at the end of December 2021. Supervisor Ellis is appointing Tom Brandt as legal counsel to the committee and also Councilman Foe.

ADDITIONAL MATTERS

Councilman Foe reported that the Town had an intern working through Wendel to identify meter pit locations in the area. He completed identification of approximately half of them but now has gone back to college for the fall. The Councilman would like to consider finding someone else to finish this project/data entry.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Hurtgam. Time: 7:55 pm

Ayes: Ellis, Foe, Hurtgam, Roberts

-Motion Carried-

Respectfully submitted,

Tamara J. Cooper, Town Clerk