

TOWN OF CAMBRIA TOWN BOARD

August 9, 2018

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 9<sup>th</sup> day of August 2018 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  
Jon MacSwan, Highway Superintendent  
Robert Roberson, Attorney  
Jamie Johnson, Wendel  
Sally Marotta-Reed, Summer Rec./Park Director  
6 interested individuals

Following salute to the flag, Supervisor Ellis opened the public hearing on the Saunders Settlement road Waterline-Replacement.

**PUBLIC HEARING - SAUNDERS SETTLEMENT ROAD WATERLINE-REPLACEMENT.**

The following public hearing notice was read by the Town Clerk:

TOWN OF CAMBRIA WATER DISTRICT  
Notice of Public Hearing  
Saunders Settlement Road Waterline-Replacement of 5200 linear feet of existing  
8 inch line with 12 inch line and necessary accoutrements.

PLEASE TAKE NOTICE that the Town Board of Cambria, Niagara County, New York will meet at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York on the 9<sup>th</sup> day of August, 2018 at 7:00 PM for the purpose of conducting a public hearing on a certain Map, Plan and Report and estimate of costs relating to the proposed replacement of approximately 5200 linear feet of the existing 8 inch PVC water line along the north side of Saunders Settlement Road with approximately 5200 linear feet of 12 inch PVC water line installed adjacent to the existing 8 inch water line, together with the installation of the ten (10) new fire hydrants and the transfer of existing water services for approximately 40 homes, two educational centers and two subdivision service lines as shown on the map, and plan proposed by Wendel (Engineers and Architects) for the Town of Cambria Water District of said Town at an estimated maximum cost of \$1,450,000 and environmental considerations in connection therewith under SEQRA, at which time and place the town board will hear all persons interested. A copy of said Map, Plan and Report 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.

By Order of the Town Board

Jamie Johnson, Wendel, reported that the Town is looking to apply for a Water Improvement Project Grant through NYS. The grant application is due the first week in September. Wendel is looking for proof of Bond Resolution, Adopted SEQR with NEG Declaration and for authorization for the Supervisor to sign the application.

Supervisor Ellis indicated that the primary purpose for the increase in the size of the waterline is to increase fire flow primarily for NCCC, as well as area homes and subdivisions in the area.

As there were no comments from the public, the public hearing was closed; 7:10 pm.

Supervisor Ellis called the regular meeting to order. The Board members took action upon 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 of July 12, 2018; July 17, 2018-Special Meeting; July 27, 2018-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	Claim	9	\$ 95.90
General Fund	Claims	316-374	\$ 90,558.50
Highway Fund	Claims	127-140	\$ 62,804.98
Recreation Fund	Claims	30-48	\$ 3,152.00
Refuse Fund	Claims	10-12	\$ 29,978.38

Sewer Operating Fund	Claim	23	\$ 18.17
Trust & Agency Fund	Claim	17	\$ 25,609.77
Water Construction Fund	Claims	1 & 2	\$ 5,114.05
Water Operating Fund	Claims	114-133	\$ 21,316.33

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Ohol, it was resolved that the abstract of audited vouchers dated August 9, 2018, be approved as read by the Town Clerk.**

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

**ADDITIONAL VOUCHER:**

A bill was received today from Cambria Asphalt Products, Blair Rd., Medina. This is for the re-paving of Escarpment Dr. and Carriage Ln. along with the paving of driveways along Escarpment Dr. in the amount of \$55,083.20.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe, it was resolved to approve the additional voucher received today from Cambria Asphalt Products, Blair Rd., Medina in the amount of \$55,083.20 for the re-paving of Escarpment Dr. and Carriage Ln. along with the paving of driveways along Escarpment Dr.**

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

**2017 FINANCIAL STATEMENT PRESENTATION**

Supervisor Ellis indicated that the 2017 financial audit results for the Town have been received. He introduced John Schiavone, Lumsden & McCormick, to summarize the findings.

Mr. Schiavone gave a brief explanation of their findings, indicating that the Town continues to be in a strong financial position and the Town has sound financial operations. The Financial Report was delayed a couple months as they were waiting for documents from a third party due to changes in accounting principle. The Town is in receipt of the Independent Accountants' Report as it pertains to Town Board, Town Justices and Management; Management Letter and the Communication with those Charged with Governance and all of these reports were considered clean reports.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe, it was resolved to acknowledge the receipt and filing of the audit of the Town of Cambria financial statements for the period ending 12/31/2017 as prepared by Lumsden & McCormick, LLP certified public accountants. The audit included the examination of the Justice Court records and dockets.**

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

Supervisor Ellis reported that all the Town Board members had the opportunity to study the document that was presented to them last month from the Office of the State Comptroller dealing with Multiyear Capital Planning. There was an opportunity to discuss any questions with the accountant; no questions were presented. All items will be kept in mind for further capital planning. The Town Board considers this matter closed.

**SAUNDERS SETTLEMENT ROAD WATERLINE-REPLACEMENT**

**RESOLUTION  
NEGATIVE DECLARATION  
SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT PROJECT  
TOWN OF CAMBRIA**

**Whereas**, the Town of Cambria will be undertaking the replacement of approximately 5,200 linear feet of existing 8-inch waterline along Saunders Settlement Road from Baer Road to Shenk Road with a new 12-inch PVC waterline; and

**Whereas**, the construction of these improvements are subject to the New York State Environmental Quality Review Act (SEQRA); and

**Whereas**, the proposed project has been determined to be a Type I action under SEQR, and a full EAF has been completed for the project; and

**Whereas**, the full EAF Part 1 was utilized by the Town of Cambria Town Board to complete the full EAF Part 2, and evaluate potential impacts in the full EAF Part 3; and

**Whereas**, the Town of Cambria Town Board determined that the proposed project will not result in any potentially moderate or large adverse environmental impacts and will result in positive impacts to public health, by protecting and improving water quality; and

**Now, Therefore, Be It Resolved**, that the Town of Cambria hereby determines that the proposed project,

replacement of approximately 5,200 linear feet of existing 8-inch waterline along Saunders Settlement Road from Baer Road to Shenk Road with a new 12-inch PVC waterline, will not have significant adverse impact on the environment and therefore issues as Negative Declaration, and

**Be It Further Resolved** the Town of Cambria Town Board authorizes the Supervisor to sign the full EAF which, along with the attached material, will act as the Negative Declaration.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve the resolution declaring Negative Declaration for Saunders Sttmt. Rd. Waterline Project in the Town of Cambria- that the Town of Cambria hereby determines that the proposed project, replacement of approximately 5,200 linear feet of existing 8-inch waterline along Saunders Settlement Road from Baer Road to Shenk Road with a new 12-inch PVC waterline, will not have significant adverse impact on the environment and therefore issues as Negative Declaration, and the Town of Cambria Town Board authorizes the Supervisor to sign the full EAF which, along with the attached material, will act as the Negative Declaration.**

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

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

The Resolution was thereupon declared duly adopted.

**BOND RESOLUTION-**  
**SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT PROJECT**

A RESOLUTION AUTHORIZING THE REPLACEMENT OF APPROXIMATELY 5200 LINEAR FEET OF THE EXISTING 8 INCH PVC WATER LINE ALONG THE NORTH SIDE OF SAUNDERS SETTLEMENT ROAD WITH APPROXIMATELY 5200 LINEAR FEET OF 12 INCH PVC WATER LINE INSTALLED ADJACENT TO THE EXISTING 8 INCH WATER LINE, TOGETHER WITH THE INSTALLATION OF TEN (10) NEW FIRE HYDRANTS AND THE TRANSFER OF EXISTING WATER SERVICES FOR APPROXIMATELY 40 HOMES, TWO EDUCATIONAL CENTERS AND TWO SUBDIVISION SERVICE LINES AS SHOWN ON THE MAP, AND PLAN AND REPORT PROPOSED BY WENDEL (ENGINEERS AND ARCHITECTS) FOR THE TOWN OF CAMBRIA WATER DISTRICT OF SAID TOWN AT AN ESTIMATED MAXIMUM COST OF \$1,450,000 AND AUTHORIZING THE ISSUANCE OF \$1,450,000.00 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 5200 linear feet of the existing 8 inch PVC water line along the north side of Saunders Settlement Road with approximately 5200 linear feet of 12 inch PVC water line installed adjacent to the existing 8 inch water line, together with the installation of ten (10) new fire hydrants and the transfer of existing water services for approximately 40 homes, two educational centers and two subdivision service lines at an estimated maximum cost of \$1,450,000 and authorizing the issuance of \$1,450,000.00 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 replacement of approximately 5200 linear feet of the existing 8 inch PVC water line along the north side of Saunders Settlement Road with approximately 5200 linear feet of 12 inch PVC water line installed adjacent to the existing 8 inch water line, together with the installation of ten (10) new fire hydrants and the transfer of existing water services for approximately 40 homes, two educational centers and two subdivision service lines at an estimated maximum cost of \$1,450,000 and authorizing the issuance of \$1,450,000.00 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 \$1,450,000.00 and the plan for the financing thereof is \$1,450,000.00 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.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Ohol, it was resolved to approve the Bond Resolution authorizing the replacement of approximately 5200 linear feet of the existing 8 inch pvc water line along the north side of Saunders Settlement Road with approximately 5200 linear feet of 12 inch pvc water line installed adjacent to the existing 8 inch water line, together with the installation of ten (10) new fire hydrants and the transfer of existing water services for approximately 40 homes, two educational centers and two subdivision service lines as shown on the map, and plan and report proposed by Wendel (engineers and architects) for the Town of Cambria Water District of said Town at an estimated maximum cost of \$1,450,000 and authorizing the issuance \$1,450,000.00 serial bonds of said Town.**

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

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

The Resolution was thereupon declared duly adopted.

**RESOLUTION  
AUTHORIZE SUBMISSION OF DRINKING WATER INFRASTRUCTURE IMPROVEMENT ACT  
(WIIA) GRANT APPLICATION  
TOWN OF CAMBRIA**

**WHEREAS**, grant funds and assistance are available through the NYS Clean Water Infrastructure Act through the NYS Environmental Facilities Corporation, including the Water Infrastructure Improvement Act (WIIA) and the Drinking Water State Revolving Fund (DWSRF) and

**WHEREAS**, the Town of Cambria wishes to apply for said funds for the Saunders Settlement Road Waterline Replacement project,

**NOW THEREFORE BE IT RESOLVED** that this Board authorizes Supervisor Wright H. Ellis to sign and submit the grant application form and any other documents required by the grant application.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve the Resolution to Authorize Submission of Drinking Water Infrastructure Improvement Act (WIIA) Grant Application-Town of Cambria.**

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

The Resolution was thereupon declared duly adopted.

### **TOWN JUSTICE SECURITY**

Jamie Johnson, Wendel, reported the bid on the Justice Security work was awarded to GD Wendt, Builders on July 27, 2018, and the contracts have been fully executed and a notice to proceed should be issued to put GD Wendt on notice. Work on this project is anticipated to be completed around Labor Day.

### **TOWN CLERK REPORTS**

The Town Clerk reported receipt of the following:

- Town Clerk Report July: Total Receipts: \$44,048.52
- Building Inspector Report July: Total fees collected: \$ 3,810.90  
Total estimated value of construction: \$703,155.00

### **HIGHWAY SUPERINTENDENT REPORTS**

The Highway Superintendent, Jon MacSwan, reported as follows:

- Completed the paving Escarpment Drive and Carriage Lane and completed drainage.
- Shenk Road needs a top coat and Baer Road needs to be chip sealed; waiting on a grant for paving of Randolph Dr. and Heffren Dr.
- The center parking lot at the Town Park has been paved and striped
- It has been paved around the water building
- Muskrats have been nesting around the Town Lake (pond) and its banks were eroding. Park employees tried to get rid of them and they kept returning. The dirt and debris was removed and they replaced it with shot rock. The muskrats are now looking for a new home.

### **WATER/SEWER DEPARTMENTS**

The Highway Superintendent, Jon MacSwan, reported as follows:

- There was one leak on a service line. He is finding that with some of the earlier homes built around the same time, the service connections are rotting off. Jamie Johnson suggested maybe leak detection could help identify those areas that are deteriorating.

### **PARK KIOSK**

Park kiosk sign project is in progress.

### **RECREATION**

The Recreation /Park Director, Sally Marotta-Reed, reported as follows:

- 155 children were registered with the Town's Summer Recreation Program. The numbers were kept down as there were a couple children that had special needs.
- Summer Recreation Program Report is almost complete, waiting for one more piece of information and then will turn it in and it will be available for the Town Board to review.
- Working on the budget for 2019 and a few ideas for recreation and the park.

### **ATTORNEY REPORTS**

No reports.

### **SUPERVISOR REPORTS**

**Supervisor Ellis reported on the following:**

- In receipt of the certificate of the Final State Equalization Rate for the 2018 Assessment Roll and the Town remains at 100%.
- In receipt of a strong letter of support from NCCC for the Saunders Stmt. Rd. Waterline Replacement Project.

### **CONCERNS OF CITIZENS**

No one was present to be heard.

**REAL PROPERTY APPRAISAL AIDE POSITION**

Supervisor Ellis would like to establish the position of Real Property Appraisal Aide.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to authorize the Supervisor to petition the Niagara County Personnel Office to approve the position for the Town of Cambria Assessor's office.**

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

**CAMBRIA HOUSING AUTHORITY BOARD LETTER OF RESIGNATION**

Supervisor Ellis is in receipt of a letter of resignation from Housing Authority Board member Michael Sieczkowski.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Ohol, it was resolved to accept the resignation of Michael Sieczkowski from the Cambria Housing Authority Board, with regret.**

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

**NYS MAGISTRATES ASSOCIATION ANNUAL MEETING**

Supervisor Ellis is in receipt of a request from Justice Amel S. Jowdy III to attend the NYS Magistrates Association annual meeting September 22-26, 2018 in Niagara Falls, NY.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Hurtgam, it was resolved to approve Justice Amel S. Jowdy, Jr. and Justice Amel S. Jowdy III., attendance at the NYS Magistrates Association annual meeting October 14-18, 2017 in Verona, NY.**

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

**ADDITIONAL MATTERS:**

Joseph Ohol, Councilman, reported that he would like to clear the air with regard to the newspaper articles written in error pertaining to the Solar Farm Project. He does not have any acreage involved in the project as a councilman or an individual. His family is connected to the project, but he is not. At one time he did have a lease agreement with Cypress Creek with a two year option on 20 acres of his farmland located at 4220 Saunders Sttmt. Rd. It was mutually terminated by both parties. Mr. Ohol has tried to get the newspaper to write a correction and they have not. Moving forward, he will not participate in any meetings, negotiations, voting or anything that pertains to the proposed Solar Farm Project.

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Foe and seconded by Councilman Roberts.  
Time: 7:30 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk